

at no great distance from its foot. The considerations referred to are three in number, *viz.* :—

- (1).—The descent of the Vindhya.
- (2).—The crossing of the Nerbudda River.
- (3).—The junction with the Great Indian Peninsula Railway.

3. As regards the junction with the Great Indian Peninsula Railway, it will be seen from the map that, owing to the change in the directions of that line, the bifurcation of a railway to Indore cannot be at a point much to the west of Khundwah without adding unduly to length, nor can it be far to the east of that station without involving a long and expensive detour above the Ghâts which would place Mhow on a branch. Moreover, it would add materially to the length of the route to Bombay, which is undoubtedly the natural sea-port of the traffic of this line.

4. A further consideration presents itself in deciding on the point of junction, *viz.*, the unhealthy character of the jungles which intervene between the existing railway and the Nerbudda River, and which are to some extent traversed by that railway, and extend north of the Nerbudda as far as the foot of the Vindhyan ranges, whose lower slopes they also cover. Water, too, is a serious difficulty throughout the greater part of this tract.

5. The Nerbudda River flows near the foot of the mountain range, and, therefore, as the river crossing and the ghât ascent to the Malwa plateau are contiguous, these two obstacles must be considered together. Floods in the Nerbudda rise from 60 to 120 feet according to the section of the channel, and have a surface velocity of from 20 to 30 miles an hour. The cold-weather discharge is small, and the bed is rocky, but the channel varies considerably in width, and it is desirable that a bridge site should be chosen where the foundations may be laid without much difficulty, and without resorting to spans of excessive length. Thus, in determining the direction for a railway to the Malwa plateau, we have had not only to consider its length and the distance to be traversed to and from the sea-port, but to choose a ghât ascent as well as a crossing of a formidable river, and to endeavour to select such a line as will present least risk in the execution and maintenance of the works by reason of the unhealthy character of the country to be traversed.

6. The complicated problem thus presented for solution demanded early and close attention, and we saw that only a preliminary reconnoissance could be made during the remainder of the working season after the financial negotiations for the construction of this railway were brought to a favourable termination. Their result was reported to your Grace on the 29th March 1870. By the 15th April the Engineers began to take the field, and by the 14th June, when the rains which set in on the 5th of that month precluded further field work, Mr. Crawford Campbell, who had been appointed to the charge of the survey, had collected sufficient data to enable him to submit to us before the close of the following month the results of an admirably conducted preliminary enquiry.

7. The general result arrived at by Mr. Campbell was, that the line should leave the Great Indian Peninsula Railway either at Khundwah (352 miles) or Jawur (362 miles from Bombay), that it should pass by Sunnawad to Kheree, where he proposed to cross the Nerbudda 2 miles south of Barwaie, and ascend by the Choral Valley, passing through Mhow to Indore. The proposed Nerbudda crossing was thought to be favourable, as the lift of the floods is only 65 feet, and the cold-weather channel may, it was expected, be easily spanned. The works on the ghât ascent on this line would be very heavy. The summit would be reached with a continuous incline of 4 miles on a gradient of $\frac{1}{4}\%$, having about 1,200 yards of tunnelling and three lofty viaducts, but with no gradients worse than $\frac{1}{10}\%$ on other parts of the line. The gradient of the incline could, it was shown, be reduced, but only with great outlay, and there is no reason to anticipate such a traffic on this line as would justify a large expenditure in an improvement which would reduce the locomotive working expenses only.

8. In his preliminary report Mr. Campbell enumerates eight different passes or ghâts from the Maunpoor Ghât on the west, by which the Agra and Bombay Road is carried to the Baughlee on the east, by which it was some ten or twelve years ago proposed to carry a line of railway towards Agra.

9. The Maunpoor Ghât, it was evident, should be rejected, not only in consequence of the great extra length of new line that its adoption would involve, but also on account of the second ghât south of the Nerbudda and of the Taptee River, both of which would have to be crossed.

10. Similarly, the extreme East Ghât, the Baughlee, could scarcely be approved of, involving as it does an extra length of 12 miles of new railway. It is true that this ghât ascent would admit of a grade of $\frac{1}{100}$ without much difficulty, and the crossing of the Nerbudda would be favourable, but the line would, on the whole, cost at the least as much as a shorter but steeper graded line. Mr. Campbell, in fact, estimated the cost to be 50 per cent. more than his Choral Valley line. But supposing the cost to be equal, the additional 12 miles of new line required is not the only disadvantage of the Baughlee Ghât location. It would add 29 miles to the lead to Bombay, the natural port to be considered in connection with any Indore Railway scheme. It would traverse an unhealthy and desolate country, where water is a difficulty, and it would place Mhow on a branch. Moreover, the limits within which extra length may be allowable in order to gain a better gradient, would be exceeded by this line, considering the probable traffic.

11. Of the remaining six ghâts, we had facts regarding two—the Simrole and the Choral. The Simrole was surveyed by the Great Indian Peninsula Railway Engineers, and a line traced:—

	Miles.	Chains.		Gradient.
With	4	57	of	$\frac{1}{60}$
"	3	31	of	$\frac{1}{80}$
"	4	22½	of	$\frac{1}{100}$
Total . . .	12	30½	of	$\frac{1}{100}$ and steeper grades.

besides five tunnels, aggregating in length about 1,900 yards, and six lofty viaducts. The Nerbudda River crossing would require a central span for the cold season channel of 500 feet.

12. Of the Choral Ghât the particulars have been given, and the Lodhya Ghât might, it was thought, be utilized in connection with the former, but it had not been at all sufficiently examined.

13. On its east is the Simrole already referred to, and between the Simrole and the Baughlee is the Peepulda Ghât, of which nothing was really known from a professional point of view. One objection to the Peepulda is, that if adopted, Mhow would have to be accommodated by a branch, and unless this ghât were found to offer great advantages, it would be excluded from adoption by reason of the great additional length of new line that it would demand.

14. So also as respects the Chota and Mota Jam Ghâts, no exact facts were on record. They are on the west between the Choral and the Maunpoor Ghâts, but if these ghâts should on examination prove at all superior to the Choral or any ghât to its east, it was probable that the line could be carried across the Nerbudda at the Kherree crossing. It is evident, however, that this would involve the passage of much cross drainage. On the other hand, the jungles on the south of the Nerbudda that would have to be traversed by a more westerly crossing are very deadly. Moreover, the ground between their summit and Mhow was reported to be much broken by ravines.

15. The information obtained by the preliminary reconnoissance and thus summarised was evidently insufficient to admit of our accepting the Choral Ghât ascent, and it was, therefore, necessary to order further investigations with the object either of finding a better ghât than that through which the Choral river flows; or, failing that, to prove and to place on record the grounds for the

conclusion that there is no better ghât within the specified limits. Mr. Campbell accordingly took the field immediately the season permitted, and we now have the honour to report to your Grace the result of the last season's work, which includes skilfully executed topographical survey of part of the Vindhya range, and a project for this railway.

16. The scheme as considered by us is not complete in details, as, although the designs are prepared, the estimates for sixteen miles of railway between the top of the ghât and Indore are not ready, the Officers engaged upon that division having had extra work thrown upon them in the Vindhya surveys.

17. For a comparison of the several lines and ghât ascents, we refer your Grace to pp. 36—7 of Mr. Campbell's Report.

18. The general result is, that Mr. Campbell has confirmed his preference of last year for the ascent by the Choral Valley. After full consideration of the various lines examined and reported on, with the aid of Mr. Molesworth, our Consulting Engineer, we have accepted this line. We are of opinion that a railway capable of being worked throughout by locomotive power should be made, and we are satisfied that, looking to the traffic that may be expected, we should not be justified in incurring the great outlay that is shown to be necessary in order to avoid the long gradient of $\frac{1}{40}$. The length of this incline is, however, reduced to $3\frac{1}{4}$ miles, and its cost to £114,000, and the length of tunnelling now proposed is less than 300 yards. No other part of the line is on a worse gradient than $\frac{1}{1000}$, and though steeper grades could be introduced in places, it is shown that no sensible economy would result.

19. Khundwah is adopted as the junction, because it is an engine-changing and refreshment station on the Great Indian Peninsula Railway, has been occupied for a long time by Europeans, and has been proved to be unobjectionable in a sanitary point of view. It is the largest town in these parts with about 10,000 inhabitants, and the Bombay Government and the Agent to the Governor General for Central India are in favour of its adoption. The only reason for proposing an alternative was to find the line of shortest length for construction between Indore and the Great Indian Peninsula Railway. To save 9 miles in through distance to and from Bombay, it is certainly worth while to avoid a junction in the jungles, at Jawur for instance, though it would lead to a small saving (perhaps 2 miles) in the length of new line.

20. Starting, then, from Khundwah, the line falls 434 feet to the Nerbudda in 37 miles. It then rises in 13 miles about 308 feet. In neither of these sections are the works heavy, and the 50 miles are estimated to cost £181,000 without stations, rolling-stock, shops and residences. This gives a mileage cost of £3,600.

21. At the 50th mile the ghât work really begins and continues for $19\frac{1}{2}$ miles to the table-land: ascending 945 feet in this distance, of which 432 feet are gained in the $\frac{1}{40}$ incline. The cost of this section is estimated at £276,000, and eliminating the $3\frac{1}{4}$ miles of incline costing £114,000, the remaining $16\frac{3}{4}$ miles of this section are estimated at £9,672 per mile.

22. The last section of 16 miles from the ghât summit to Indore is roughly put down at £93,900, or £5,780 per mile, but this amount will probably be reduced when the estimates are submitted; although there are three large bridges aggregating 660 lineal feet of water-way, which will swell the cost of this small section.

23. A sum of £200,000 has been put down for the Nerbudda Bridge, 2,500 feet long, but notwithstanding the height of piers required, it is expected that the bridge will not cost so much.

24. Including this amount the Engineer's estimate for the 86 miles of metre gauge line is £751,000, and adding £1,000 a mile for rolling-stock, stations, station machinery and shops, the cost as estimated by Mr. Campbell may be taken at £840,000, and including Engineering Establishments, £900,000.

25. Having thus satisfied ourselves that the line which had been chosen was the best, and that the Engineer's estimate of quantities and prices gave an approximately correct view of the probable cost, we determined to invite tenders for the execution of the work to be done in India on a schedule of rates and specification similar to those on which we recently let a contract for the construction of the railway between Agra and Sambhur to Messrs. Glover and Co., and we desired our Consulting Engineer for State Railways to inspect the country, and to prepare a design for the Nerbudda Bridge, after he had learnt the nature of the foundation and the quality of available stone. For our orders on this project we request a perusal of enclosure No. 2, from which it will be observed that there are several details to be settled by our Consulting Engineer, who is now on tour.

26. Many influential firms submitted tenders which varied much in amounts, some being far above the estimates of our Engineers, which we thought were sufficiently liberal, while others again fell below those rates. Such variation might be expected, as the cost of extensive works in the Nerbudda Valley has not been thoroughly ascertained. Among the lowest tenders was one from Messrs. Hood, Winton, Mills and Oag, a firm which is well known in Bombay, and which has been engaged in connection with the Great Indian Peninsula Railway for many years in the valley of the Nerbudda. Messrs. Hood, Winton, and Co. are, we believe, a wealthy firm, and as their rates are certainly under those at which we could expect to construct the railway departmentally, we have entrusted the work to them, and our Solicitors are now drawing up a formal deed of contract. In the meantime a commencement will be made without delay. The contractors will carry out materials and construct the line north of Khundwah. Rails, sleepers and bridge-work being delivered to them by us at that station.

27. The railway from Khundwah to Indore is one presenting considerable physical difficulties, and we have therefore described the project in more than usual detail. We now ask for your Grace's concurrence in the commendation we have given to the staff engaged on the survey, and for the approval of Her Majesty's Government to the steps which we have taken.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

COAL OPERATIONS IN THE GODAVERY DISTRICT.

No. 854, dated 14th February 1872.

From—The Secy. to the Chief Commissioner, P. W. Dept., Central Provinces,

To—The Secretary to the Government of India, Public Works Department.

In continuation of this office letter No. 5049, dated 6th of last November, I am desired by the Chief Commissioner to forward herewith copy of a letter No. 10-42, dated 20th ultimo, received from the Superintendent of Works, Upper Godavery Circle, upon the progress of coal explorations at Tipperpenti since the 29th of December, together with a copy of a report* by Mr. Vanstavern, accompanied by a map of the locality showing the sections of the borings made.

* Dated 12th January.

No. 10-42, dated 20th January 1872.

From—The Superintendent of Works, Upper Godavery Circle,

To—The Secy. to the Chief Commissioner, P. W. Dept., Central Provinces.

I have the honor to submit a further report by Mr. Vanstavern, dated 12th January 1872, upon the progress of coal explorations at Tipperpenti since the 29th of December last, together with a map of the locality showing the sections of the borings made.

2. When progress was last reported the borings which were in progress were Nos. 24 and 25, but of these No. 25 has since been discontinued, as Dr. Oldham, who has visited the coal-field in the interim, considered that it would be more advisable to put down a trial boring in a new position than to continue No. 25 at present.

3. In consequence nothing more has been done in boring No. 25 than was detailed in last progress report, and another new boring No. 26 has been commenced upon the Daverapilly Hill near the point marked upon the map, and some progress has been made in boring through the surface rock.

The object of this new boring is understood to be to see whether or not a seam of coal exists at a higher level than those already found in previous borings, as the experience gained in other parts of India would seem to prove that the products of such high level seams are more valuable than those of seams found at a lower level.

4. In boring No. 24, however, the boring has proceeded for an additional depth of 18 feet since last report, of which 16 feet are coal and 2 feet shale.

The whole section obtained at present from this boring, which has now attained the depth of 217 feet, shows that coal exists in 5 seams, having a total thickness of $23\frac{2}{3}$ feet, and varying in thickness from $1\frac{1}{8}$ foot to 12 feet, the last 20 feet of the boring showing two seams of coal, of which the upper seam is 12 feet and the lower seam 6 feet in thickness, or in all 18 feet of coal to 20 feet of bed, the two seams being separated by but two feet of shale.

The lower seam of 6 feet had not been passed through when the report was despatched, so that, although the thickest seam passed through does not much exceed that found in No. 16, the total thickness of the seams in this bed is much superior, being as $23\frac{2}{3}$ in No. 24 to $16\frac{2}{3}$ in No. 16.

No. 60, dated 12th January 1872.

From—T. Vanstavern, Esq., Executive Engineer, Workshop Dn.,
Upper Godavery Circle,

To—The Officiating Superintendent of Works, Upper Godavery Circle.

In continuation of my letter No. 55, dated 29th December last, I have the honor to submit further reports on coal-boring operations at Totapelly.

No. 24 Bore-hole.					
Already reported	...	...	...	...	199 2
Coal	...	...	...	...	10 0
Shale	...	...	...	...	2 0
Coal	...	...	...	...	6 0

On the arrival of Dr. Oldham, the boring of No. 25 was stopped, and a test hole put down in Daverapilly Hill near Gogubacka.

No. 26 Bore-hole.					
Surface soil	...	...	...	...	8 0
Sandstone	...	...	...	...	35 0

I am now going up with Dr. Oldham to show him the borings at Lingala, and on my return will have the position of No. 26 bore-hole levelled up to and marked on the map.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

Memorandum on Cotton growing in Egypt.

It is usual in the winter or early spring to till the land several times with a primitive kind of plough, and in the month of March to work it into ridges of about 3 feet apart. In April the seed is steeped for 24 hours in water to soften it. It is then sown in little holes scraped or made with a dibble in the sides of these ridges at about 18 inches distant from each other; in each hole ten or more seeds are placed and then covered up with earth. The land is then irrigated once every ten or twelve days. When the plants appear above the soil, the superfluous ones are uprooted, and only one or two are left growing from each hole. The fields are then weeded, and irrigation is continued every 12 or 15 days. In the month of October the first pods are gathered as they ripen throughout the months of November, December and January.

About 2 bushels of seed are sown per acre, but this is in reality a much larger quantity than necessary.

The yield in well cultivated land is from 10 to 12 cwt. per acre, but the ordinary yield is not more than about 6 or 8 cwt.

Some cultivators have tried the plan of not watering the plants after the first gathering of pods, but the general opinion seems to be that irrigation ought to be continued.

The cotton referred to is that which is now commonly known in commerce as Egyptian cotton. It is not that which was originally indigenous in Egypt. It is the produce of seed originally imported from the Sea Island and other ports of America.

Memorandum on Cotton cultivation in Egypt.

On well cultivated properties the same land is only appropriated to cotton once in every three years, the crop being exhaustive. Much of the ground is flooded at high Nile, and the water allowed to remain on it until the river falls; it thus derives the benefit of a copious absorption of alluvial deposit, and when the water recedes, it is exposed to the sun until the surface is in a condition to be well worked by ploughs and harrows. This is done three times in January or February, the ground being made as clear as possible and finally turned up into drills; then, if artificial means of irrigation exist, the water is let on ten days before the sowing, and while the earth is yet moist, holes are made to receive the seed. About five grains are dropped into each hole and then covered up. It is well to soak the seed in water for 24 hours, but the practice is exceptional.

A better result, however, is arrived at on good land where a much smaller quantity of seed is used, and the holes are made wider apart. For this reason the superabundance of plants have to be thinned out involving considerable labor, and when the trees are too crowded, neither air nor sun can enter freely to mature the cotton crop early. The labor of picking is also far greater when sufficient space is not left between the rows, as the children break the branches in their efforts to struggle through them.

The best period for sowing is considered to be from the 25th of March to the 20th of April, but in the neighbourhood of Cairo and in the warmer provinces a much earlier period may be adopted with success, whereas in "Behera" and on cold poor lands, the latest sown fields often present the most forward appearance in June.

There are two systems of cultivation,—one called "Babip," or by the natural inundation of the Nile; the other "Misgoweh," where pumping engines, water-wheels, and other artificial aids are resorted to, and by which water is let into the drills every 10 or 15 days in the early stage of the growing crop and frequently at intervals before the Nile rises to a height sufficient to supply natural irrigation. A fair average crop is of 300 lbs. of clean cotton to the acre, but on good land as much as 900 lbs. per acre is known to have been raised.

Three hundred and fifteen lbs. of common cotton in seed should give 100 lbs. of clean cotton, but the finer descriptions show a less favorable render, and 315 lbs. of the finest Sea island cotton in seed would probably yield about 80 lbs. of clean cotton. When the trees have a tendency to grow too tall, they should be topped with a pruning knife which causes them to throw out robust lateral branches.

The gathering begins early in September, and the great picking is in October and November. The last pickings are in January and February; the trees are then cut down or rather uprooted. Great care should be bestowed on the separation of dead and discolored cotton from the first quality. This ought to begin in the fields; the children employed in gathering it working in threes,—the first taking the clean, white, well opened pods, the second any discolored ones and what may have fallen and got mixed up with leaves, and the third the refuse and pods which would never open properly from blight, insects, or cold fogs.

The gins best suited for Egyptian staple are those made by Messrs. Platte Brothers, of Oldham, 40 inches wide and driven by steam at 600 to 800 revolutions in a minute.

(True copies.)

ALEXANDRIA,
25th October 1871. }

H. E. JACOMB,
Under Secy. to Govt., Bombay.

GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS UNDER THE PROVISIONS OF
THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Tuesday, the 5th March 1872.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K. T., *presiding*.
His Honour the Lieutenant-Governor of Bengal.
His Excellency the Commander-in-Chief, G. C. B., G. C. S. I.
The Hon'ble John Strachey.
The Hon'ble Sir Richard Temple, K. C. S. I.
The Hon'ble J. Fitzjames Stephen, Q. C.
The Hon'ble B. H. Ellis.
Major General the Hon'ble H. W. Norman, C. B.
The Hon'ble J. F. D. Inglis.
The Hon'ble W. Robinson, C. S. I.
The Hon'ble F. S. Chapman.
The Hon'ble R. Stewart.
The Hon'ble J. R. Bullen Smith.
The Hon'ble F. R. Cockerell.

NATIVE MARRIAGE BILL.

The Hon'ble MR. STEPHEN moved that the adjourned discussion on the Bill to legalize marriages between certain Natives of India not professing the Christian religion be further adjourned for a week. He said this was the day upon which the adjourned discussion and debate was, according to the formal resolution of the Council, to be resumed. He had now to move for a further adjournment for one week. The object of this was to give hon'ble members of the Council full time to consider certain papers which had been received, some from the Madras Presidency and several from the North-Western Provinces, a few days ago. There had not been full time for the consideration of these papers by the members of the Council. He did not wish to enter into any discussion upon the matter at present, but simply to state publicly that he, for one, should oppose any lengthened adjournment; and, as far as he had any thing to say in the matter, he trusted that it might be finally disposed of when it was next brought on in one way or another. He took this opportunity of making that statement for this reason amongst others: A few days ago a petition was sent up by one of the Indian Associations asking for a further adjournment of two months to afford them time to make their representations. As an adjournment for six weeks had already taken place, and as this matter had been before the public in one shape or another for a great length of time, MR. STEPHEN thought that whatever the Association had to say upon the general principles of this Bill might be said in very much less time than two months. And he might observe that an application for a postponement for two months was equivalent to an application to postpone the consideration of the Bill until after the Mover of it had left the Council, and until after the constitution of the Council had been considerably changed. It was in fact analogous to the House of Commons form of moving that the measure should be read a third time six months hence.

He did not wish to discuss the matter any further; he only wished to guard himself against any misconception, and wished it to be understood that the Bill would be disposed of on the next occasion when it came up before the Council.

The Motion was put and agreed to.

LAND REVENUE (N. W. P.) BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to consolidate and amend the law relating to Land Revenue in the North-Western Provinces of Bengal, said that attention had been drawn by His Honour the Lieutenant-Governor of Bengal to the fact that the title of the Bill was not technically correct: it should include in its operation, not only the North-Western Provinces of Bengal, but also those parts of the Lower Provinces of Bengal to which the Permanent Settlement did not apply. As to the Bill itself, MR. STEPHEN would at present say but little; but he wished to make some general observations with reference to this Bill, and to two other Bills which his friend, the hon'ble Mr. Cockerell, would move for leave to introduce at a later stage of the proceedings. MR. STEPHEN had had the honour of holding the office which he now held for the last two and a half years, and he was now about to vacate it. During that time, considerable steps had been made in execution of the scheme for consolidating the statute-law of this country. He was happy to be able to say that, if this Bill and the other two Bills which would be introduced by his hon'ble friend, should finally meet the approval of the Council and pass through it, the process of consolidation would be carried out with regard to the Bengal Regulations as far as MR. STEPHEN thought it was desirable they should be consolidated. He knew that the Bengal Regulations were regarded with a sort of fondness by many of those who had administered them; and it would be presumptuous and out of place in him to say that they did not deserve the high character which they had enjoyed. They were the instruments by which the Government in this part of the country had for a number of years carried on the administration, and the general result certainly showed that they were well adapted for the purpose. At the same time he must remark that there were considerable objections to them: they were enacted at a time when there was very little technical law, and very few means for administering the law with technical care, in the Provinces to which they applied. They were couched in language which contrasted favourably indeed with the intricate and cumbersome verbiage of contemporary Acts of Parliament; but the language was very elliptical; a great deal had to be supplied by the sense of the reader; it was not always exact; the arrangement was extremely intricate and confused in many instances; and they embodied a large quantity of matter which had ceased to possess any interest other than a historical interest, which they would always retain.

So much for the Regulations generally. He did not think that any one who was acquainted with them would doubt that they wanted consolidation, recasting and re-arrangement. MR. STEPHEN was happy to say—thanks very much to the exertions of his friend, Mr. Cockerell—they had been consolidated and re-arranged to such an extent that, with these three Bills, the whole of the Regulations would be wiped off with only a few exceptions. Of course, it was not proposed to wipe out the Permanent Settlement and some other Regulations which, for a variety of reasons, it would be unadvisable to interfere with. MR. STEPHEN believed that, when these three Bills should be finally disposed of, there would not be above thirty Regulations left, and these thirty Regulations would have very little to do with the ordinary working of the law of the country.

The further observations he had to make were, as to the circumstances under which he asked leave to introduce these Bills, and the manner in which he proposed they should be dealt with. He hoped to have the Bills drawn and to introduce and publish them in the Gazette before he left the country, and before the Government left Calcutta. He hoped to introduce them in the course of a month or six weeks; then, in the regular course, they would be circulated for the opinion of the Local Governments who might be affected by them, and when his successor, in the course of the next cold weather, had the advantage of the opinions, both of the Local Governments and of the Council, he would

be in a position to deal with them, and if he and the Council thought fit, to carry out the work of consolidation.

There was one other matter with regard to these Bills to which he wished to call special attention in the presence of His Honour the Lieutenant-Governor of Bengal. The Regulations in question related partly to Bengal and partly to the North-Western Provinces. One of these Bills—the Mortgage Bill—would properly refer, not only to the Lower and Upper Provinces of Bengal, but also to the Panjáb and Oudh. Nothing could be farther from MR. STEPHEN'S wish, than that this Council should legislate in such a manner as to interfere with the jurisdiction of the Council of Bengal over which His Honour presided. The Bills would be drawn so as to extend to Northern India generally; but it would be a subject upon which His Honour would no doubt express his opinion, whether it might not be a more convenient course, with regard to some of these Bills, that the Bills passed by this Council should be confined to the North-Western Provinces or Upper India; and that similar Bills should be introduced into the Bengal Council for Lower Bengal. That was a matter upon which MR. STEPHEN offered no opinion; but he must again repeat that he wished to point out that, in this work of consolidation of the Bengal Regulations, there was every wish on the part of the Government of India directly to co-operate with the Legislative Council of the Lieutenant-Governor.

He would now say a few words in regard to the particular Bill which he moved for leave to introduce. He need not recall to the recollection of the Council the famous historical circumstances in which this legislation originated. The Regulation which formed the basis of the whole settlement system of Northern India was Regulation VII of 1822, and it was subsequently amended by another well known Regulation, which gave such very great relief that it used to be said that it had descended from heaven for the relief of district officers. MR. STEPHEN alluded to Regulation IX of 1833. These two Regulations were supplemented by a great number of circulars embodied in *Thomason's Directions to Settlement Officers*, and also by a work called *Directions to Collectors*. Until somewhat recently, that formed the whole settlement law of the Panjáb. In the course of the last summer, the settlement law of the Panjáb was re-enacted with the assistance of the Lieutenant-Governor and the Financial Commissioner. And the Bill which he (MR. STEPHEN) now moved for leave to introduce, would be an attempt to state, in a clear and more permanent and condensed form, the existing system of land-settlement. He thought any one who read Regulation VII of 1822 would derive from it a very indefinite view of the subject, unless he brought to it, in the first instance, a considerable degree of knowledge. When the necessity which existed in this country of putting people in possession of clear instructions as to what they were to do was considered, the difficulties which had to be contended with under the existing state of the law could not but be realized; and he hoped that, by recasting this legislation in a more modern and complete form, considerable assistance would be rendered to officers in the discharge of their duties. He might observe that he was not aware that any formal communication had taken place upon this subject; but communications more or less official in their nature had taken place between the Government of India and the two Local Governments upon the subject, in the course of last summer, and it was then thought that the Bill introduced last summer should be confined to the Panjáb, and that any subsequent legislation for the North-Western Provinces and the parts of Bengal affected by it should be separately proceeded with. For the last two years, the North-Western Provinces Government had found it a convenient course for the principal officers of those Provinces, who were connected with the administration of the revenue, to hold communication with each other during the hot weather; and MR. STEPHEN would suggest that, in the following hot weather, they would be able to take into consideration the Bill which he was about to introduce. The Bill could also, during that time, be taken into

consideration by His Honour the Lieutenant-Governor of Bengal and his advisers, and His Honour would be able to say whether it would be a more convenient course that it should be confined to the parts of the Lower Provinces not permanently settled, or that it should be confined to the Upper Provinces.

He had only two remarks to make in conclusion. The Bill, as it was proposed to draft it, would either wholly or partly repeal and consolidate no less than forty different Regulations and Acts, and put them all into a comparatively reasonable shape. The Bill had been drawn by his hon'ble friend, Mr. Cockerell, who knew more than most other people about these Regulations, and to whom the public was considerably indebted. He had done more than any other single person in carrying out the work of consolidation.

HIS HONOUR THE LIEUTENANT-GOVERNOR had only one or two words to say in regard to this Bill. He had no desire to follow the hon'ble Mr. Stephen through his speech; but with regard to the explanations which had been made with respect to the relative positions of this Council and of the Council presided over by HIS HONOUR, he merely wished to say that the course proposed to be taken by Mr. Stephen appeared to him satisfactory. HIS HONOUR understood that the measure would be introduced as a general Bill, subject entirely to future consideration as to the question whether it should apply to that part of the country for which the Bengal legislature was empowered to legislate.

The Motion was put and agreed to.

OATHS AND DECLARATIONS ACT AMENDMENT BILL.

The Hon'ble MR. STEPHEN also presented the final Report of the Select Committee on the Bill to amend Act No. V of 1840 (concerning the Oaths and Declarations of Hindoos and Mahometans).

PANJÁB LAWS BILL.

The Hon'ble MR. STEPHEN also presented the final Report of the Select Committee on the Bill for declaring what laws are in force in the Panjáb.

BURMA COURTS BILL.

The Hon'ble MR. STEPHEN then presented the Report of the Select Committee on the Bill to regulate the Courts in British Burma.

NATIVE PASSENGER SHIPS ACT AMENDMENT BILL.

The Hon'ble MR. CHAPMAN presented the Report of the Select Committee on the Bill to amend Act XII of 1870, the Native Passenger Ships Act.

HIGH COURT JURISDICTION (SIND) BILL.

The Hon'ble MR. CHAPMAN having applied to His Excellency the President to suspend the Rules for the Conduct of Business,

The President declared the Rules suspended.

The Hon'ble MR. CHAPMAN then introduced the Bill to remove doubts as to the jurisdiction of the High Court over the Province of Sind, and moved that it be referred to a Select Committee with instructions to report in a fortnight. He said that he did not think he should tax the patience of the Council if he read the Bill from beginning to end :—

“Whereas it is expedient to remove doubts which have arisen as to the jurisdiction of the High Court of Bombay over the Province of Sind; It is hereby enacted as follows :—

1. The High Court of Bombay has not, and shall be deemed never to have had, jurisdiction over the Province of Sind.”

HIS HONOUR THE LIEUTENANT-GOVERNOR said that, as the Bill was to be, as it were, galloped through the Council, he would detain them to say a few

words. He thought it was a matter of grave consideration whether what he might call judicial decentralization was desirable; whether it was desirable to remove, from the jurisdiction of a great Court, a Province which was somewhat large on the map, but which was in fact mostly sand and desert, with a limited population and revenue. He understood that the Judicial Commissioner was an officer somewhat of the standing, position and pay of a Zila Judge. He, for one, was very much opposed to the judicial government of the country, and he was not sure that he should not be ready to lend a helping hand to any Bill for removing the jurisdiction of any Court and vesting the control in the hands of executive officers. But, under the Bill, there was a Judicial Commissioner, who was not higher than a District Judge, who was rendered altogether independent of any superior tribunal in India. The executive authority would not have greater power because the judicial authority was thus constituted. Still, the arrangement might be very well if suitors could not go further, but they knew that there was an appeal at present from every superior tribunal in India to the Privy Council. That appeal, as it at present existed, was, he was inclined to think, a very great evil; but it did exist, and he merely threw out, for the consideration of the Committee and Council, that it was a question whether it was desirable to remove these local Courts from the control of superior Courts in the country, unless they could at the same time be removed from the jurisdiction of the Privy Council; because appeals to the Privy Council involved enormous expense, and, in his opinion, gave a rich man an enormous advantage over a poor one, enabling him to suspend, for an almost indefinite time, a judgment which the poor man had obtained with very great difficulty.

The Hon'ble MR. CHAPMAN begged to explain that the remarks which had fallen from His Honour the Lieutenant-Governor were founded on an entire misapprehension of the scope and object of the Bill. The Province of Sind never had been under the jurisdiction of the High Court of Bombay, and it was therefore a mistake to say that it was to be removed from that jurisdiction. The judicial arrangements of the Province were provided for by a local Act (XII of 1866), and the Judicial Commissioner appointed under that Act had all the powers of a Sadr Court. The Bill would merely remove doubts which had arisen as to the sense in which the word "Presidency," as used in the Act constituting the High Courts and in the Letters Patent, was to be understood. As far as he knew, there was no desire on their part to assert jurisdiction in Sind, and they would not be deprived of any power they now possessed.

The Hon'ble MR. STEPHEN wished to say one or two words in addition to what had been stated by the Hon'ble Mr. Chapman. This was a Bill merely for removing doubts which had unfortunately arisen as to the jurisdiction of the High Court at Bombay over the Province of Sind. The subject of appeals to the Privy Council from foreign Courts was not within the jurisdiction of this Council. The theory was that Her Majesty was the supreme Judge throughout Her whole dominions, and that every one had a right to appeal to Her Majesty from the decision of any tribunal whatever, and it was for Parliament to determine in what cases and from what Courts appeals should lie to the Privy Council. Whether there was an appeal to the Privy Council from the judgments of the Judicial Commissioner was a point upon which he did not offer any opinion. Whether there was such an appeal or not, he would only say that, if there was an appeal, it could not be taken away. He should add just one word. It was not expressed in this Bill or in the re-enactment of the Code of Criminal Procedure that it was not intended to affect the jurisdiction of the High Court over European British subjects.

The Motion was put and agreed to.

PRIVY COUNCIL APPEALS BILL.

The Hon'ble MR. COCKERELL moved for leave to introduce a Bill to consolidate and amend the law relating to the admission of appeals to Her

Majesty in Council from judgments and orders of the Civil Courts. He said that the rules of procedure for the admission and transmission of appeals from the decrees and orders of the Civil Courts in India to the Privy Council were contained in the Bengal Regulations XVI of 1797, V of 1803 and the corresponding Regulations of the Madras and Bombay Codes, supplemented by Acts II of 1844 and XXV of 1852. These had exclusive application to what were termed the 'Regulation Provinces.' The whole of the provisions of these enactments, with certain emendations and additions, were reproduced in Act II of 1863, which applied to the Non-Regulation territories.

They had therefore substantially the same set of rules in this matter, applicable to the whole of British India, contained in no less than seven enactments.

In furtherance of the general scheme of consolidation of the Statutes, the substitution of one Act for the seven enactments just referred to was the primary and chief object of the proposed legislation.

At the same time the opportunity afforded by this consolidation would be taken to effect a slight amendment of the existing law which recent circumstances had rendered necessary.

The procedure now in force had been framed on the assumption that every appeal to Her Majesty in Council must be in respect of some decree or order passed by the highest Civil Appellate Court; and, until the passing of the Oudh Courts Act, such was actually the case.

The Oudh Courts Act, by its new provision in regard to appellate jurisdiction, had made it possible for litigation, no matter what the amount or value involved might be, under certain circumstances to stop short of the highest Court of Appeal in that province. For example, a Deputy Commissioner might try a suit the subject-matter of which was of any amount or value, and an appeal would lie against his judgment or order in such suit to the Commissioner. If the latter concurred with the Deputy Commissioner, there was no further appeal in this country.

It was necessary to lay down the procedure to be adopted in such cases for the admission and transmission of an appeal to the Privy Council. The Bill would provide that the application for the admission of the appeal should be made to, and the necessary proceedings on such application should be taken by, the Court which, under the law for the time being in force relative to appeals, was the Court of final jurisdiction in India.

HIS HONOUR THE LIEUTENANT-GOVERNOR would only express the hope that, in carrying his motion into effect, the Hon'ble Member would do somewhat more than consolidate the law, and would consider the whole law with a view to its emendation. HIS HONOUR'S opinion was that the law in force enabled a rich man to hang up the decree of a poor man for years and years, and he thought that a great evil; he hoped the Hon'ble Mr. Cockerell would consider the rules now in force for the admission of appeals, and put them in such a state as to obviate this evil.

The Motion was put and agreed to.

MORTGAGE PROCEDURE BILL.

The Hon'ble MR. COCKERELL also moved for leave to introduce a Bill to consolidate and amend the law relating to mortgage procedure. He said that, by Regulation I of 1798, it was enacted that any person who had obtained a loan on the security of landed property might, if he so desired, deposit in the principal Court of the district in which he resided, the principal amount borrowed, together with interest, where the transaction included the payment of interest, at any time previous to the date fixed for the repayment of the loan, and that the Court should thereupon grant a receipt to the depositor, and notify the fact of the payment to the creditor; a right of redemption of the property mortgaged being thus preserved to the mortgagor.

These provisions, originally applicable to Bengal and Benares, were, by Regulation XXXIV of 1803, extended to the rest of the Bengal Presidency. By Regulation XVII of 1806, a term of grace, extending to one year beyond the date fixed for the repayment of the loan, was added within which the debtor might, by making the necessary deposit in Court, or proved tender of payment to his creditor, preserve his right of redemption, and the mortgagee, in order to obtain foreclosure of the right of redemption, was required to give notice through the Court of his claim against the mortgagor one year previous to such foreclosure.

These provisions, designed for the special protection of persons borrowing money on the security of landed property against possible fraud on the part of their creditors and the consequences of their own imprudence, were peculiar to the Bengal Presidency and such parts of the Non-regulation Provinces as were administered in accordance with the spirit of the Bengal Regulations.

The absorption of the provisions of these three Regulations into one Act would necessarily come within the general scheme of consolidation; but in the Bill which he was now asking leave to introduce, it was proposed to do something more than consolidate the existing law in respect of mortgage procedure.

In 1868, a gentleman who belonged to a well known firm of solicitors in this city, addressed the Secretary to the Bengal Legislative Council on the subject of amending this procedure and assimilating it to that of the English law, pointing out the difficulties and inconvenience occasioned by the present restrictions as to foreclosure of mortgages. Another gentleman (since deceased), who was the member of a firm of merchants and agents largely interested in landed property in some of the Bengal districts, made a representation to the Local Government about the same time and to the same purport.

The Bengal Government consulted a few of its judicial officers, and after collating various opinions, the late Lieutenant-Governor made a reference to him (MR. COCKERELL) on the subject. Before replying to that reference, he obtained, through the co-operation of the Government of the North-Western Provinces, the opinions of several of the judicial officers of those Provinces, and transmitted these, with his own views on the general question, to Sir W. Grey, who came to the conclusion, upon the whole correspondence, that the amendment of the existing law was desirable, but that the measure was one which could be more conveniently dealt with by this Council than by the Local Council.

MR. COCKERELL mentioned these circumstances in connection with the Bill as indicating, with reference to what fell from an hon'ble member (Mr. Stephen) on that subject, the reason for the present proposal to include the Lower Provinces of Bengal in the local limits of the projected legislation.

The present proposal was to assimilate the Bengal to the English procedure so far as to substitute the institution of a foreclosure suit at the expiration of the period within which the loan was to be repaid, for the notice required by the existing law, but without prejudice to the term of grace now allowed for the preservation of the right of redemption. So that, if, on the adjudication of the suit, the Court decreed foreclosure, such decree would be conditional on the repayment of the amount found to be due by the mortgagor not being made within one year from the date of the institution of the suit.

Thus, the one year's grace during which the mortgagor's right of redemption would be preserved to him was to be retained, and he would be placed in no worse position than he was under the present law; but the year of grace would be utilized, and the mortgagee would not have to wait so long as under the prevailing system for the adjustment of his claims against the mortgagor.

The exact effect of the proposed change, as compared with the procedure of the English law in like cases, could be more conveniently explained when the Bill was introduced.

HIS HONOUR THE LIEUTENANT-GOVERNOR had not been aware that the subject was to have been brought before the Council that day, and he had not had an opportunity of studying it; but from the first of the papers before him, and the observations of the Hon'ble Member, it appeared to HIS HONOUR that this Bill might be properly called a Bill for facilitating the more speedy foreclosure of mortgages. It was a mortgagee's, and not a mortgagor's, Bill. HIS HONOUR's feeling on the subject was that, having regard to the rights and feelings, the interests and traditions, of the people of the country, he should be very averse to do anything to facilitate the speedy foreclosure of mortgages. The Council were perhaps aware that, in Native times, the sale of land was very rare indeed. Mortgages were not uncommon; but the idea of the Natives was that there was almost no limit to the time in which mortgaged property might be released. He believed that the feeling in the Panjáb was so strong that it was necessary to relax the whole law on the subject, and to permit the redemption of mortgaged land which had been out of possession for a time far beyond our ideas of limitation. He had heard that it was the same in Bombay. He was told that people who had not been heard of since the battle of Pánipat, in 1759, appeared and reclaimed mortgaged land at a recent settlement. He did not wish, under the circumstances, to commit himself to an opinion, but he did wish to impress on the Council the necessity for proceeding with very great caution in the matter. They should not be actuated too much by English ideas, nor should they, without great care, examination and study, accept the views of English lawyers in matters of this kind, but should rather defer to Native ideas on the subject.

The Hon'ble MR. BULLEN SMITH wished to say one word on the subject. He desired to speak with deference to the views of others upon a subject of this kind, but he declared it to be his honest conviction that some amendment of the law in the direction in which this Bill pointed was absolutely necessary. It seemed to him that the Regulations now in force on the subject practically had in view simply and solely the rights of the mortgagor; they seemed designed simply and solely to protect the borrower; and from what had fallen from His Honour the Lieutenant-Governor, MR. BULLEN SMITH was somewhat confirmed in that opinion. He freely granted that the Council could not be too careful, in a country where the possession of land was held so sacred, in making amendments in any law affecting it; but at the same time there was a point—and, in his judgment, that point had been reached—where the desire to protect the mortgagor operated inequitably towards the mortgagee. That, he was sure, would not be His Honour's desire. It was only fair that both should receive equitable protection from the law; but at present, a person who advanced money on the security of landed property in this province did not, in his opinion, when fair ground arose for realizing that property receive that protection and that facility to recover his rights to which he was entitled. It was on these grounds, speaking from a purely practical view, that he gave his support to this Bill.

The Motion was put and agreed to.

PANJÁB MUNICIPALITIES ACT AMENDMENT BILL.

The Hon'ble MR. COCKERELL having applied to His Excellency the President to suspend the Rules for the Conduct of Business,

The President declared the Rules suspended.

The Hon'ble MR. COCKERELL then introduced the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities), and moved that it be referred to a Select Committee with instructions to report in a week. He said that, as the Panjáb Municipal Act (XV of 1867) expired on the last day of February, the present Bill was virtually designed to revive that Act, with retrospective effect from the date of its expiry. It was apparently desired by the Local Government that the Act should now be made permanent, and the Bill, if passed in its present shape, would give effect to that intention. Looking, how-

ever, to the provisions of Act XV of 1867, the circumstances in which it was passed, and the unusual condition attached to its prospective operation, MR. COCKERELL did not think the Council would be justified in simply re-enacting it for an indefinite period. He quite admitted that, when dealing with measures of this kind in their capacity of a Local Council, they should pay the utmost possible deference to the opinions and expressed wishes of the Local Government, and this obligation was perhaps the stronger where, as in the present case, they had to act without the personal assistance of any of the officers of the province in which the law to be enacted had exclusive operation.

The fact would seem to be that the limitation to the operation of the Panjáb Municipal Act was overlooked, and that the Bill now brought forward should have been introduced into this Council several months ago, in which case full opportunity would have been given for looking into the whole matter and ascertaining, by the light of past experience of the working of the Act, whether its permanent retention was expedient. But as the matter now stood, we were suddenly called upon to give permanency to an Act which was extremely vague and indefinite as to the powers of taxation which it gave, and this with nothing before them to show how an Act of so avowedly an experimental character had worked during the period for which it had been in force. They had, working side by side, as it were, with the municipalities of some of the districts of the Panjáb, the municipal bodies established in the North-Western Provinces under the carefully elaborated Act of 1868—an Act which not only strictly defined the forms of taxation which might be resorted to, but which went so far as to limit the incidence of such taxes as the octroi, which, as past experience showed, had frequently become, and was always, unless carefully checked, liable to degenerate into, a transit-duty on the general trade of the country.

There was nothing before them to show that what were deemed to be wholesome and salutary checks on the exercise of the power of taxing their fellow-townsmen by the Municipal Commissioners in the North-Western Provinces, would be objectionable, or were even unnecessary, in the Panjáb.

It seemed to him (MR. COCKERELL), therefore, that the whole question required very careful consideration, and if the Bill was referred to a Select Committee, he would propose that provision be made for the revival and continuation of the expired Act for one year only. This would allow the existing municipal arrangements, which were now without any legal warrant, to be carried on, and give time for maturing such scheme of permanent legislation for the regulation of municipalities in the Panjáb as might be thought advisable.

The Hon'ble MR. CHAPMAN said that he was very glad to find, from the remarks that had fallen from his hon'ble friend, the Mover, that he proposed that this law should be continued in force for one year only.

During this interval he hoped the Government of the Panjáb would maturely consider such a measure for the regulation of their municipal taxation as would commend itself to the approval of the Council.

Nothing, he thought, could well be more unsatisfactory than the unbounded latitude of the present law in respect to powers of taxation.

Section VI runs thus:—

"Every Committee may, with the previous sanction of the Lieutenant-Governor, define the persons or property within the town to be taxed for the purposes of this Act, the amount or rate of the taxes to be imposed, and may impose such taxes accordingly."

Now, he supposed there was no Member of this Council who would deprecate more strongly than himself undue interference with the action of Local Governments, but it was one thing to vexatiously hamper and fetter executive control over expenditure, and another to confer almost unlimited authority to impose taxes. The Government of India could not, he considered, watch too narrowly and jealously the conduct of subordinate Governments in the matter

of taxation. And he conceived it to be the duty of this Council, when conferring powers in this direction, to fence them in and circumscribe them with the greatest possible exactitude and minuteness.

He confessed he viewed with the gravest apprehension the rapidity with which great burthens were being imposed on the country under the denomination of local taxation. There seemed to be an idea gaining ground that you had only to tax the people for Municipal, Local Fund, or Provincial purposes, and that, by this simple change of names, you at once got rid of the odium and discontent an imperial tax would occasion. If the proceeds of local taxation were honestly and usefully spent for the payer's immediate benefit, it would, no doubt, to a certain extent reconcile him to the burthen, but the naked fact still remained that whether the rupee was extracted from his pocket by his hon'ble friend, Sir Richard Temple, or by a Committee of his own townspeople, he was to that extent a poorer man.

The volume which he held in his hand was the Administration Report of the Bombay Presidency; and he found that there were in existence two hundred and one municipalities, with revenues ranging from five lákhs to two hundred rupees, and collecting a total sum of between twenty and twenty-one lákhs of rupees. Under the name of Local Funds about twenty-five lákhs were collected. In other words, nearly half a million was collected from the up-country population of the Presidency under the head of Municipal and Local Fund taxation. This was exclusive of the amount realized from Sind, from the Town and Island of Bombay, from various other kinds of Local Funds, and under the recent Local Acts for imposing taxes for Provincial Services.

He had just been informed, on what he believed to be excellent authority, that in some provinces of the Panjáb, a sum equal to nearly fifty per cent. of the land-revenue assessment was levied under the denomination of Local Cesses of various kinds.

He thought it was high time that his hon'ble friend, Sir Richard Temple, turned his attention to this state of affairs. In a short time the Council would have the pleasure of listening to his exposition on the financial condition of the country; and he, MR. CHAPMAN, did say that he ought to inform them clearly and fully of the total amount of taxation of every kind and description to which the people were subjected.

The Hon'ble MR. ROBINSON said—"My Lord:—The intention of the hon'ble Mover of this Bill, as now explained to us, to limit its operation to one year, tones down one of the most serious objections to the measure as presented to the Council by the Bill itself; but I think this Council has every right to express surprise at the course pursued by the Government of the Panjáb in this matter, and I think that any proposal to give permanence to this legislation by a *coup de main* should be firmly rejected.

"I speak under correction; for no papers connected with the working of the Act and the reasons for its continuance have been laid before this Council.

"The facts, as I gather them, seem to be as follows:—That highly important Act (XV of 1867) was passed as a temporary, tentative measure by this Council, with no small hesitation, five years ago. The interests involved, and the area covered by the measure, are, I need scarcely remind the Council, very great, namely, the taxation and municipal administration of the numerous town populations of several of those great provinces for which this Council legislates. The Act was passed on the express understanding that its operation would be carefully watched and the stewardship accounted for. The time to which the enactment was limited has expired. But so entirely has the Panjáb Government slept on those conditions, that the watchful Secretary to the Legislative Department had to call the attention of that Government by telegram to the fact that the enactment was on the eve of expiry, and a laconic reply, to the effect that the Lieutenant-Governor wishes the provisions of this enactment to continue

without limit as to time, is, I believe, all that this Council is now asked to act on. It is added that the municipalities want greater powers.

"Now, no doubt the members of this Council have referred to the Act itself, and found that it is pretty much in the character of a law empowering Towns Committees and the Lieutenant-Governor, or Chief Commissioner, as the case may be, to raise any taxes and levy any rates in any way they please; and when they have got the money, to spend it as they like on the list of objects thrown together in section 9. It contains neither administrative nor popular provisions, and is absolutely devoid of everything that serves either as a safeguard to trade, to the public or the rate-payers; as an indication as to the proportionate expenditure on the different objects, or as a guide in respect to sound municipal administration.

"It was natural enough that a Bill of this kind, even five years ago, should be viewed by this Council with great hesitation and awaken anxious deliberation. We find that the hon'ble member who introduced the Bill was fully alive to the very debateable character of the measure. He admitted that 'this Bill,' to quote his words, 'owing to the limited experience we had had of the working of municipal institutions in the Panjáb, must be an imperfect one. We were only,' he said, 'feeling our way, and he had no doubt that, before long, a supplementary Bill to supply deficiencies in the present Bill might very possibly be asked for.' He avowed, too, at a later stage of the same debate, that some of the taxation that was to be legalized under the Bill *did* interfere with trade.

"In the debate which followed, one member remarked that 'he hoped the Council would seriously consider whether powers of the unusual and extensive character proposed by the Bill should be given to the Lieutenant-Governor; for instance, the power, without any control whatever, to appoint Committees, to make rules, to suspend or limit the powers of Committees, and to levy town-duties and taxes. If the Bill was really required,' he further remarked, 'it might be made a temporary Act for *one* or *two* years, but not a permanent enactment. And he added that, 'for the last few years, the system of levying town-duties had been silently spreading, and, as he believed, had acted as a serious check to the commerce of the country.'

"The Hon'ble Mr. Maine admitted, during the debate, that one of the objects of the Bill was to indemnify the Panjáb Government for some of its past acts, 'as there was no doubt,' he said, 'that that Government had exceeded its legal powers, and he (Mr. Maine) quite agreed that the powers proposed to be given by the Bill were somewhat large * * * and in effect restored to the Lieutenant-Governor a part of the legislative power which he had lost in 1861' by the Indian Councils' Act.

"His Excellency Lord Lawrence admitted, at the close of the introductory debate, that there was a good deal of force in the objections raised to the Bill; but seeing that money must somehow be had, he supported the Bill, and held out a hesitating expectation 'that, if there was a very serious abuse of such a power as that proposed to be conferred by the Bill, we should hear an outcry.' His Excellency the Viceroy further added that there was, no doubt, much force in what an Hon'ble Member had advanced, namely, that the tendency of such taxing provisions as were contemplated in the Bill *was to interfere with trade* and *unduly* extend taxation, and he stated that he would oppose any application of such provisions to villages and rural communities, or any addition to the burdens on landed property under its powers.

"The Hon'ble Colonel Durand thought that the objections taken to the Bill were 'exceedingly important. We really ought to know,' he said, 'what we were doing before this Bill was passed. The Bill proposed,' he added, 'to give enormous powers for a widespread system of taxation, and we did not, up to the present moment, know how far that kind of taxation might come into conflict with the general taxation of the country. He thought,' to quote his

words further, 'before the Council proceeded with this Bill, there should be some very clear and specific information furnished to the Hon'ble Members.'

"In presenting the report of the Select Committee on the Bill, the Hon'ble Mover explained that a new section had been added in Committee, namely, that the Act should expire in five years. 'Several provisions of the Bill,' he said, 'were of an experimental character, and it was therefore thought that the propriety of continuing the Act should be reconsidered after that interval;' and he explained that it was this limitation in respect to time that had influenced the Members of the Committee, and 'smoothed over,' as he described it, their objections. They had assented to give the measure five years' trial.

"In closing the debate, His Excellency the President supported the Bill as a tentative measure, on the ground that his experience justified this limited confidence, and he thought that the obvious objections to the Bill had, to quote his words, 'been effectually met by the provision limiting the operation of the Act to five years, and he had every hope that the experiment would be successful.'

"In the subsequent debate on the amendments to be introduced into the Bill, an Hon'ble Member remarked that, 'he had himself once asked to see the accounts of certain Municipal Committees, and it was curious to see the modes of taxation adopted. The Commissioners,' he said, 'were gradually levying taxes of the nature of transit-duties, which must have a very injurious effect on trade.' He further noticed that, in the Panjáb, it had been alleged that the trade of one large town at least, which was formerly a large cotton-mart, had been ruined 'in consequence of a toll levied on goods coming into it.' And he based his hope that such abuses would not *continue* under this Act, on the provision that the limit of five years would secure a full discussion of this important matter in this Council under the light of experience and carefully rendered accounts.

"Now, I think that the action of our predecessors of this Council was marked with cautious judgment, and with every consideration towards the local authorities. It was impossible that any legislative body could be satisfied with a measure of this loose and dangerous character. But the local authorities *had* already exceeded their powers under the law and were in need of indemnification, and with well-judged reluctance the trust was continued to them for a sufficiently long period to enable them to carry on their work and to secure materials and experience sufficient to enable this Council *now* to legislate with deliberation and assurance.

"But the same Council has clearly bequeathed to us a duty which, under special circumstances, they were unable to perform themselves; and they have provided us with the full opportunity of fulfilling that duty deliberately, honestly and openly.

"But will any one say that the local authorities of the Panjáb have fulfilled the implied agreement under which their Act was passed five years ago? I think not. And I would earnestly ask this Council to consider whether they have been placed in a position to redeem the pledge which was held out to the public five years ago, to give this important subject careful consideration and full re-examination at this time.

"At this late period of our sitting no proper consideration could be given to this important matter, even although cart-loads of information were supplied, and the Act had not actually expired. Examination and deliberation are now simply out of the question. I therefore consider that a short Act should be passed to continue the present Act for one year only. The conduct of the local authorities entitles them to no greater consideration. In the meantime, thorough enquiry into the administration of Act XV of 1867 should be made, and materials collected to enable sound and full legislation next year on this matter.

"I have trespassed, I fear, already at too great length on the patience of this Council, but I am deeply convinced that the matter before it is one

of very serious importance throughout the country. It is nothing less than the question of widespread taxation, and municipal government of the vast town populations of this great Empire. It is one which may now well occupy the consideration of the legislature of India; one which, I fear, has already been too long relegated to local bodies and interests. This matter is scarcely inferior in importance to the discussion of imperial taxation and expenditure; for, if we only bear in mind the very important influence which town populations in every country exercise over the loyalty and affection of the general population, some of us will, I think, deem that deep importance attaches to the presence of sound principles of taxation and administration in legislation of this nature.

“For several years past, something in the direction of municipal taxation and administration has been going on in each of our Provinces, but each has been left very much to its own devices and to its own local legislature; a haphazard condition of things has sprung up in consequence throughout the country.

“This direction of taxation has been enormously stimulated by the action enjoined by the late financial policy adopted by the Government of India; and the increasing burdens thrown upon Local Governments and Provinces have of course in part been shifted on to municipal bodies with powers and instructions, in some cases, to get all they can out of almost any source that can be devised. I am satisfied that the time has fully come when the supreme legislature is bound thoroughly to canvass the main sources of taxation and the more important features of municipal administration, in a manner that will serve for guidance where narrower feelings and more local influences are at work than are likely to be met in the supreme legislature of the Government of India. And I am sure that there is no member of this Council that has not been seriously impressed with the character of the discussions which have been going on in different parts of the Empire on this important subject.

“The opportunity will be afforded by the discussion which will arise on the proposal to re-enact Act XV of 1867, if the measure now before the Council be limited to one year.

“I am satisfied that several of the sources of taxation which are now placed at the disposal of these small Towns Committees in all parts of the country require careful consideration and canvass. The debate which took place five years ago shows that even then there was a great tendency to revive the pernicious transit-duties of days gone by. I am inclined to believe that this tendency has taken greater development during the interval. We want to know whether these improprieties are occurring in the Panjáb. There is nothing in the Act to prevent them. I have recently observed casual discussions relating to octrois and towns-duties, which show that opinion is very divided, and naturally so, on a subject of the utmost importance to trade, and I think that inquiry will elicit some errors of practice. Clearly, these are matters for imperial, rather than local, legislative discussion, and discussion may be raised on the Bill to be presented after due deliberation next year.

“I will hazard another instance of what I consider the danger of this kind of haphazard legislation. We all of course dislike exceedingly telling stories out of school, but they sometimes serve to illustrate a true position and fix attention on a matter which is well worthy of thought. If nothing else, the one I have to tell shows that, if the Panjáb Municipalities are levying *quasi* transit-duties, they are not singular in their acts.

“I had recently to examine the conduct of the municipal vestries of various towns in the Madras Presidency, and I found that several of them had absolutely turned over the whole, or nearly the whole, of their local obligations to the trade of the country by a system of tolls. They happened to be towns situated on great arteries of trade, and by erecting toll-bars on those great thoroughfares, and charging heavy rates, the greater part—in some cases nearly

the whole—of what was required to be spent on their town drains, cess-pools, &c., and on the Police and sanitation of a small locality, was being persistently levied on the trade of the country. At one or more seaport-towns, tolls on trade brought there for exportation paid nearly the whole cost of their local institutions; scarcely a rate was raised or a tax imposed.

“Now, when we bear in mind that there is a perfect net-work of these Trade-trap municipalities throughout the country, each ready enough to shift its local obligations on to the trade of the country, I need scarcely say that such matters are not safely entrusted in the main to municipal vestries and to district presidents. Local Governments and Chief Commissioners sometimes, I fear, lose sight of broad considerations amidst the pressure of need and other obvious influences. Tolls are right in right places; but I am satisfied that there are such things as wrong places. The disorders noticed in respect to Madras, have, I feel sure, been rectified in practice, but the law should make these things impossible.

“On the whole, I think therefore that this legislature must do its duty, and take advantage of the opportunity, which should be now secured, for the thorough and deliberate discussion of the whole matter which is involved in this legislation next year. In the meantime, it will suffice to save the Government of the Panjáb from the consequence of their laches.”

HIS HONOUR THE LIEUTENANT-GOVERNOR said, that his official connection with the Panjáb was during the happy days before any laws were extended to that Province. Since that, he had several times visited it, and had maintained his connection with that Province, and his relations with the officers of the Panjáb Commission had been extremely intimate. HIS HONOUR was quite free to admit that there might have been mistakes committed in the Panjáb, but his impression was that they were mistakes which had been committed in common with other Provinces. His impression also was that those mistakes had been corrected under the orders of the Government of India, and that during the last five years they had been very much checked and diminished, and the municipal taxation had been brought into a clear and reasonable system. With regard to the strictures that had been made by hon'ble members on the Panjáb system, he believed that there were in no other Province municipalities that were so real, so vital, and so self-acting as in the Panjáb. Therefore, the good that had been gained might fairly be considered; and although there had been mistakes, great results had been obtained. HIS HONOUR entirely disagreed with those who held that the system of administration by local bodies and voluntary local taxation was necessarily an evil; on the contrary, he maintained that to teach the people of this country to govern themselves by local institutions was a great gain: it was a path upon which the Government had entered, and he hoped that they would follow it out discreetly and well. It was not necessary now to enter into a discussion of the great questions of local taxation. But HIS HONOUR differed from the views of those who held that it was wholly a failure, or that it could be assumed that direct was preferable to indirect taxation; for the people did prefer indirect taxation; and provided that this Bill guarded against the abuses of indirect taxation, HIS HONOUR did not see why the people should not be taxed in the way most agreeable to themselves.

Major General the HON'BLE H. W. NORMAN trusted that the renewal of this Bill would be proceeded with with great caution, for he believed that municipal taxation in some parts of the country had produced as great dissatisfaction as the income tax itself, and he feared that, in some cases, this taxation was exacted for purposes not so manifestly necessary as those for which the income tax was raised.

The Hon'ble MR. ELLIS did not intend to follow his hon'ble friend, Mr. Robinson, in the discussion on the numerous points on which he had

descanted in his speech; for MR. ELLIS did not think that such a discussion was appropriate on the present occasion. Such subjects had been better left for consideration when the details of the Bill came to be considered. MR. ELLIS entirely concurred with what had fallen from His Honour the Lieutenant-Governor in refutation of Mr. Robinson's strictures upon the municipal system of the Panjáb: the system had no doubt been abused, and those abuses had attracted the attention of the Government of India; a re-action had set in very greatly in the other direction, and, in his opinion, even too strongly. There was a sort of crusade against octroi-duties; orders were issued almost entirely sweeping them away, and reducing the managers of these municipalities to resort to other modes of taxation which were not popular. These orders were afterwards modified, but the greatest care was taken to prevent town-duties becoming transit-duties.

With reference to what had fallen from his hon'ble friend, General Norman, MR. ELLIS would observe that it was true that municipal taxation had caused discontent. He believed that that discontent had been caused by the substitution of other modes of taxation for a system of octroi-duties, which, in many parts of India, was the mode of taxing most congenial to the people; it was the very attempt to get rid of these octroi-duties that had led to the introduction of other modes of taxation, which were felt by the people more severely, and pressed upon them more heavily, than either imperial taxation or octroi-duties. He would not dwell further upon that subject, because as he had said, it did not appear to him to be appropriate to the present question. He would express his concurrence with the hon'ble member in charge of the Bill, that a Bill be passed to continue the existing Act for a further period of one year.

The Hon'ble SIR RICHARD TEMPLE said, that, although he entirely agreed with what had fallen from his hon'ble friends Messrs. Chapman and Robinson, with respect to the expediency of limiting the operation of this Bill to one year, and also with what had fallen from his colleagues Mr. Ellis and General Norman, nevertheless, he would venture to assure his hon'ble friends that, if they now visited the Panjáb and saw the good condition of the cities and what had been done both in the way of material and moral improvement, he thought they would agree with him that municipal taxation had not been carried too far, and that, as far as it had been carried, it had been entirely used for the good of the people, and had been attended with the most beneficial effects. Further, he was sanguine that if hon'ble members would be good enough to look into the proceedings of the Government of India about the date of July 1868, they would find that these very principles, which they had now so justly maintained with reference to the limitation of taxation, had been at that time particularly considered, and were embodied in the resolution of the Government of India in which one of his hon'ble colleagues opposite (Mr. Strachey) was greatly concerned. It would there be found that this portion of taxation would in no way be permitted to operate as a transit-duty. Taxes which could in any way affect commerce were eliminated, and the taxation that remained was only such as could justly and legitimately be imposed. SIR RICHARD TEMPLE believed that that resolution had been acted upon up to the present day. Possibly, one or two of these objectionable duties had been imposed, but at any rate they had been small. Take the condition of those towns, and take the estimation in which they were held by the public, and then say whether or not these principles had been fully acted upon. If that was the case, then he thought all objection to this Bill should be withdrawn.

One word more he would say financially. An Imperial Act was passed last year for enabling municipalities to borrow money from the Government on proper security; that Act applied to every Local Government, to every Province, throughout British India. He assumed that, in passing that Act, this legislature did, to a large extent, sanction the principle upon which municipalities and municipal taxation were established. If so, he wished to point out

that now to refrain from re-enacting the law, or in any way to stop the operation of the law in the Panjáb, might place municipalities in a very embarrassing position in respect to loans which they might have contracted or which they might wish to contract. And if there was any doubt as to the propriety of continuing terminable Acts, or Acts of a limited time, with respect to a particular province, then there might be a doubt whether the Council should have passed the general Act to which he had referred. On these grounds he believed there should be very little doubt as to the propriety of passing the Bill now before the Council.

The Hon'ble MR. CHAPMAN wished to be informed whether his hon'ble friend assented to give, as far as he was able, the information as to local taxation he had asked for.

The Hon'ble SIR RICHARD TEMPLE said, he thought the question of the hon'ble member was one which rather trenched upon the Executive, and he was not quite sure that he ought to comply with the request that was made. He was, however, in the hands of His Lordship the President as to whether His Excellency wished the information to be given or not.

His Excellency THE PRESIDENT said, he did not think there was any objection to Sir Richard Temple stating, as a matter of fact, whether he was willing to give the information. For HIS EXCELLENCY'S own part, he did not see any objection to the information being supplied so far as it was available. He believed that this information had already been collected in Madras, and would be received by the Government of India in a short time.

The Hon'ble SIR RICHARD TEMPLE said, that the statement which he gave in his last Budget Exposition was as near an estimate as could be obtained of all the items of local taxation in India, including the new branch of provincial taxation which came into existence in consequence of the Provincial Service scheme passed last year. So, this year, or the next year, if the figures and data to show how that estimate had turned out were available, there could be no possible objection to include it in the Budget statement. He could not at this moment say whether the figures of the current year had been received from the Local Governments in sufficient detail to enable him to give a very precise statement.

The Hon'ble MR. CHAPMAN rejoined that he did not like to contradict his hon'ble friend, but to the best of his recollection the last Budget statement contained no allusion to local funds, and certainly none as to the amount of municipal taxation.

HIS HONOUR THE LIEUTENANT-GOVERNOR said, that the Government of India had desired the Local Government to submit accounts which would supply very completely the whole of the information which the Hon'ble Mr. Chapman had asked for. With reference to the Government under his control, it would be his wish to afford every information in his power to give.

His Excellency THE PRESIDENT said, that, so far as it went, he would be happy to use his influence to cause the information asked for to be supplied. He thought it was desirable that a picture of the extent of municipal and local taxation should be given in as accurate a form as possible.

The Hon'ble MR. STEPHEN said, that he had several remarks to offer, to which he would beg the attention of the Council. With regard to the conduct of the Panjáb Government, he was sorry to say that he could not defend them from the charge of negligence in having taken no steps to obtain a renewal of the existing municipal law. He regretted that his hon'ble friend, Mr. Cockerell, who had been good enough to take charge of the Bill at his (MR. STEPHEN'S) request, had not informed him of the view he took as to the term for which

the Act was to be revived. The result of this was, that the printed Bill revived the expired Act and made it perpetual; whereas the hon'ble member in charge had spoken strongly in favour of its being revived for one year only.

With reference to the proposed change itself, MR. STEPHEN would remark that there was a very large number of municipalities in the Panjáb, as many, he was informed, as 300, which had the control of municipal income. These municipalities had to provide taxation for the following amongst other purposes—town police, education, sanitary arrangements, statistics of life and health, all works of town improvement. Hon'ble gentlemen who were acquainted with the Panjáb must know perfectly well how necessary all these works were. The effect of the change proposed might be to put a stop to all these improvements; to throw every thing into uncertainty; and to render it impracticable for any municipality to undertake works the execution of which might extend over a period of one year. The Hon'ble Mr. Robinson, moreover, spoke, as he thought, with undue severity of the Panjáb Government. If they had been negligent in not applying at an earlier period for the extension of the Act, public interests should not be made to suffer. MR. STEPHEN thought that, in this particular case, the Council would do well to accept the views expressed by the Local Government, and not enter upon such an inquiry as the one suggested by his hon'ble friend, as they would find it in practice very difficult to carry out such an inquiry in a satisfactory manner. His hon'ble friend, Mr. Robinson, said that they would find broader views in this Council than in the Local Governments. MR. STEPHEN would ask why a committee consisting of three or four members, each with local views of his own, taken from Madras or Bombay, should have broader views on any subject than the Lieutenant-Governor of the Panjáb and his principal advisers. Considering the position and experience of the members of that Government, he should be particularly disposed to accept their views in this matter. Of course, it was in the power of the Council to limit this Bill to one year. If they did, he hoped they would consider that the late Lord Mayo spoke most strongly, after personal experience, of the successful administration of these municipalities as the most characteristic part of Sir Donald McLeod's administration. MR. STEPHEN hoped the Council would also bear in mind the fact that, very recently, the Lieutenant Governor of the Panjáb himself had called attention to the intolerable state of filth of many parts of the city of Delhi, and to the cholera which had been caused there. If that town, and others to which he need not at present refer, were to be improved at all, it must be by the execution of works of improvement extending over a considerable period of time. If the Council should reject the suggestion made by the Local Government as to the time for which the Act was to be continued, it would prevent the undertaking of works of improvement the execution of which was likely to extend over any considerable time. He must confess, that he hoped the Council would consider the matter long before they arrived at any such conclusion. He might observe that the discussion of the question was altogether premature. The question whether the Act should be perpetual, or revived for a limited period, was one which would more properly be considered in committee, and he thought we should have no difficulty in receiving such a communication from the Panjáb Government in regard to this Bill as would give a full general statement of the grounds upon which they wished that the Act should be made perpetual.

The Hon'ble MR. COCKERELL explained that the duty of introducing the Bill having been assigned to him very shortly before the meeting of the Council, there had, in fact, been but little time for him to communicate to the hon'ble member his (MR. COCKERELL's) views as to how the proposal of the Panjáb Government should be dealt with. He must, however, remind the Council, in reference to the remarks of the hon'ble member, that he (MR. COCKERELL) had drawn especial attention to the fact that the Bill, in its present shape, provided

for the permanent continuation of Act XV of 1867, and had then gone on to express his opinion that the Act referred to should be revived and continued for one year only, and that he should recommend the adoption of this course when the Bill came before the Select Committee to which it was proposed to refer it.

The Hon'ble MR. ELLIS thought that the passing of a Bill to make the Act permanent should be taken into consideration at Simla, where, although the Council would be deprived of the Hon'ble Mr. Robinson's assistance, they would have the advantage of the presence in Council of His Honour the Lieutenant Governor of the Panjáb, and perhaps of others who had some knowledge of the Panjáb.

- The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities)—The Hon'ble Messrs. Stephen, Inglis, Robinson, and Chapman and the Mover.

On the Bill to remove doubts as to the jurisdiction of the High Court over the Province of Sind—The Hon'ble Messrs. Stephen, Inglis, Robinson and Cockerell and the Mover.

The Council adjourned to Tuesday, the 12th March 1872.

CALCUTTA,

The 5th March 1872.

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H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl.

for making Laws and Regulations.

*It is requested that this sheet may be substituted
for the corresponding sheet in the Gazette Sup-
plement of March 16th.*

GOVERNMENT OF INDIA.
DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

REPORTS ON THE STATE OF THE WEATHER AND PROSPECTS OF THE CROPS.

GENERAL REMARKS.—There has been some little rain during the last fortnight in parts of Madras, in the Panjáb, from Jalandhar to Peshawar, and over a great part of the Central Provinces. The fall was, however, in most places slight; the heaviest being 1·36 and 1·3 inches in Jabalpur and Narsinghpur respectively, where the rain had damaged the crop either harvested or in process of being so.

On the whole things are much as they were a fortnight ago, except for the progress made in getting in the rabi harvest. Khandesh and some other tracts in the Bombay Presidency, the northern coast districts of Madras and the neighbourhood of the Chilka lake, the Berars and parts of Rajputana are the only regions which have suffered from calamities of season in any degree which need cause anxiety. Measures have been taken to afford such assistance as these cases demand. The tracts affected are for the most part contiguous to, or in ready communication with, well-supplied districts, so that no actual failure of food is to be feared.

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
MADRAS	Ganjam	March 13	Slight...	March 14	Prices steady; health good; cattle disease prevalent.	General circumstances of the Presidency unchanged. Relief measures continued in North Coast District.
	Vizagapatam	"	"	"	Prices steady; market well supplied; importation of grain continues; health good; water supply diminishing.	
	Godáviri	" 11	Nil	"	Prices steady; market well supplied; health good.	
	Masulipatam	" 13	"	"	Prices steady or declining; markets well supplied; crops in good order; harvest, fair outturn; pasture generally sufficient; health generally good.	
	Mazapatam	"	Nil	"	Prices steady. Prospects fair.	
	Trichinápalli	"	Slight	"	Prices steady. Crops in fair order. Harvest below average.	
	Calicut	" 12	Nil	"	Prices declining. Health fair. Prospects fair.	
	Karáchi	March 13	Nil	March 14	Rabi crops good, but a little damaged by frost.	
	Gúzarát	"	"	"	Late crops and cotton nearly reaped.	
	Khandesh	"	"	"	Prospects of grain and cotton crops unfavorable.	
BOMBAY AND SINDH	Deccan	"	"	"	Rabi crops reaped. Cotton unfavorable in Púna and Sholápur.	
	South Mahráthá Country	"	"	"	Grain crops reaped, cotton indifferent in Káladghi; middling in Dharwar and Belgam.	

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
BENGAL	Bhāgalpūr Division	March 13	...	March 14	Weather fair; winter crops reaped; spring crops satisfactory.	
	Sonthal Parganas	"	...	"	Weather getting hot; hardly any crop in the ground.	
	Patna Division	"	...	"	Weather dry; rabi crops on the whole favorable; poppy and some other crops have suffered a little in Champāran from hail-storms.	
	Rājshāhi "	"	...	"	There was a thunder-storm and rain in Rājshāhi on the 1st; weather getting hot throughout the Division; crops satisfactory; in Dināpūr mustard has been partially injured from want of rain in October in Murshidabad, gram and wheat have been injured to some extent in consequence of rain.	
	Bardwān "	"	...	"	Weather becoming hot; spring crops favorable; but in Bankura outturn is not expected to be over 12 annas.	
	Presidency Division	"	...	"	Weather fair and hot; crops good.	
	Dacca Division	"	...	"	Warm weather setting in; prospects of crops continue good; partial failure of mustard crop in Sribhatt.	
	Chattagaon Division	"	...	"	Weather warm; crops good.	
	Katak Division	"	Nil	"	Prospects of crops good; distress in the Chilka isthmus and in Málud and Parikūd.	
	Chota Nagpūr Division	"	...	"	Weather seasonable; the crops are off the ground.	
N. W. PROVINCES	Assam Division	"	...	"	Weather fair; crops satisfactory.	
	Kuch Bihār	"	...	"	Weather fine; crops good in Kuch Bihār generally; there are no crops in the ground elsewhere.	
	...	...	...	March 14	Weather excellent; prospect of harvest good everywhere, especially so in Agra and Mirut Divisions, in the Doab generally, and in Bandelkhand.	

PANJAB	Delhi	...	March 13	Nil	March 14	Crops doing well; weather rather warm.
	Ambála	...	"	4	"	Good.
	Jalandhar	...	"	6	"	Good.
	Lahor	...	"	Nil	"	More rain wanted.
	Multan	...	"	3	"	Crops in want of rain.
OUDH	Rawal Pindi	...	"	7	"	Good.
	Peshawar	...	"	7	"	Good.
	Lucknow	...	March 13	Nil	March 14	Rabi crops looking well; peas being cut.
	Faizábád	...	"	...	"	Telegraphic communication interrupted; last accounts favorable.
	Ráipur	...	March 9	07	March 14	Wheat crops being reaped, outturn estimated not much below average; one-fourth linseed crop lost.
CENTRAL PROVINCES	Biláspur	...		Slight	...	Weather cloudy; rabi crops not so good as last year; oil seeds suffered much.
	Sambalpur	...	March 12	Nil	March 14	No change.
	Nágpur	...	March 12	...	March 14	Rabi crops gathered; prices of grain stationary; weather growing warm.
	Wardha	...	March 13	Slight	...	All crops except opium harvested.
	Jabalpur	...	March 13	1.36		Prospects fair, but wheat in places suffering from "girwa;" late rain-fall has been prejudicial to wheat, but actual loss cannot yet be ascertained.
	Ságar	...	...	...		Average crop only expected; hail and "girwa" having done damage.
	Sioni	...	...	...		Prospects favorable.
	Damoh	...	March 13	2	March 14	Harvest outturn below average of past ten years.
	Hoshangábád	...	March 13	...	March 14	Outturn above three-fourths.
	Betúl	...	...	...	...	Wheat and gram being harvested.
HAIDARABAD DISTRICTS	Nimár	...	...	1.3	...	Gram and mosur cut; wheat ripening; rain slightly damaged cut gram; prospects favorable.
	Narsinghpur	...	...	...	...	...
	East Berar	...	March 14	...	March 14	Want of water becoming sensibly felt in some parts of division; rabi crops completely harvested; health good.
	West Berar	...	...	...	...	No report.
	Sirohi	...	March 9	...	...	Tanks dry; wells very low; crops fair.
RAJPUTANA	Meywár	...	"	...	"	Water very scarce; crops extremely poor.
	Márwár	...	"	...	"	Water supply tolerable; crop prospects fair.
	Deoli	...	"	...	"	...
	Kotla	...	February 24	...	"	Prospects continue good.
	Jhaláwar	...	...	...	"	...

More rain wanted in central part of Panjáb; harvest prospects generally favorable.

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
RÁJPUTÁNÁ—continued	Jaipur— Jaipur Ajmir and Mhairwára	March 14	...	March 14	Weather cloudy; crops favorable. Weather cloudy; crops satisfactory in Ajmir. In Mhairwára crops poor; works opened to afford relief.	
	Indor	March 13	Nil	"	Prospects in Malwa continue excellent; opium produce is beyond the average. The drought in Nimar, Khandesh, and the southern portion of the Agency of Ali-Ráipur and Barwari, below the Gháts, is causing suffering; small rivers are dry and country burnt. Prospects favorable.	
CENTRAL INDIA	Gwalior	"	16	"	Good.	
	Bághelkand Satna Nimach	"	Nil	"	Rabi prospects good.	
MYSOR AND KHURG	Bangalore	March 14	Nil	March 14	The hot weather, paddy, and sugarcane crops look parched in some places from want of water. Sugarcane, cotton, castor oil seed, and paddy thriving. Murrain prevails in the subdivision. Same as last reported.	No material change in the prices of grain.
	Mysor	" 12	"	"		
BRITISH BAFMA	Khurg	" 14	"	"		
	Rangoon	"	"	"	No crops.	

No. 12

of 1872.



SUPPLEMENT TO The Gazette of India.

CALCUTTA, SATURDAY, MARCH 23, 1872.

OFFICIAL PAPERS.

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GOVERNMENT OF INDIA. DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

REPORT ON THE RESULTS OF MR. LOGIN'S EXPERIMENTS IN GROWING COTTON ON THE EGYPTIAN SYSTEM.

No. 55, dated Allahabad, the 30th December 1871.

From—H. RIVETT-CARNAC, Esq., *Commissioner of Cotton and Commerce with the Government of India,*

To—*The Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.*

I HAVE the honor to report that in accordance with the instructions of His Excellency the Viceroy and Governor General in Council, conveyed in your letter No. 136, dated the 1st ultimo, I have visited the several experiments undertaken by Mr. Login, C. E., F. R. S. E., in growing cotton in the Delhi and Ambala districts, and I have now to submit, for the information of the Government of India, the report called for in your letter under reference.

2. Mr. Login in his reports to the Superintending Engineer, which formed the enclosure of your letter, described the several experiments, as he saw them, on his march from Delhi to Ambala. The plots were visited by me in the reverse order, *i. e.*, on my journey from Ambala to Delhi. It will, however, perhaps be convenient to adhere to the order observed by Mr. Login, and I propose, therefore, to commence by noticing the experiments at the Delhi end of the Grand Trunk Road.

3. The first experiment is that at the Rai Rest-House, 20 miles from Delhi. A portion of the compound which surrounds the large brick barrack, built for the accommodation of European troops at Delhi when the cantonment is unhealthy, has been taken up for the purpose. The soil is quite up to the average of that of the surrounding country. The area of the plot is rather more than $\frac{3}{4}$ of an acre. The plants, in this and all the experiments, were raised from indigenous seed. I found them to be exceedingly fine, and I have no hesitation in saying that they were superior to any cotton plants I have seen in India. They were strong and well-formed, and as they had been carefully "topped," the plants had thrown out healthy branches which were well covered with young bolls. On one of the plants I counted seven main branches with 58 bolls, and although this was, perhaps, rather above the average,

The experiment at Rai.

there were many plants up to this standard. There was but little ripe cotton on the plants at the time of my visit, as the picking is carried on steadily, as quickly as the pods burst. Mr. Login informs me, however, that up to the 11th of December 273 lbs. of cleaned cotton had been picked from this plot of $\frac{3}{4}$ of an acre,* or at the rate of 365 lbs. to the acre; as regards the quality of the cotton, I shall refer to this subject after describing the experiments at the several plots, for the remarks under this head apply to all the experiments alike.

4. The treatment of the plants was that described by Mr. Login in paragraph 4 of his report. The seed had been planted in ridges at a distance of 3 feet by 2 feet, and plenty of space had thus been left for each plant to spread; and it is right to add that the growth made had been so satisfactory, and that the plants had filled out so well, that no space had been wasted by this arrangement, as is often the case when the growth of the plants is inferior, and the space left between the rows large. The soil, as mentioned by Mr. Login, is good, and had had the advantage of not being worked for several years. No manure was applied. It was weeded four times and watered six times. The irrigation had been carried on from a well situated just outside the boundary of the compound. The well is the

property of one of the lumberdars of the village. This man had irrigated the adjoining patch also, which he had sown broad-cast with cotton according to the native method.

The proximity of these two patches of cotton cultivation, the soil of which is identical, and in which the same sort of seed had been sown, afforded an excellent opportunity of comparing the merits of the two systems, and the superiority of Mr. Login's plants was very striking. The plants in the field sown according to the native fashion, though tall, had not branched freely, and the yield of cotton from such a field would certainly be less than one-half of that which would be gathered from a field of the same area containing plants like those in the adjoining Rest-House compound, cultivated on Mr. Login's system. And I am bound to say that the lumberdar's irrigated field again was far superior to the average of the native fields visited by me on the road, many of which, however, had not had the advantage of irrigation.

5. The next experiment visited was that near Lursowlie about 32 miles from Delhi. The experiment is a very small one ($\frac{1}{4}$ of a beegah), and has been undertaken by a native cultivator. The soil is good, and the field had had the advantage of irrigation from a neighbouring well. The seed had been sown, and the ridges had been thrown up in the manner advocated by Mr. Login. The plants were green and healthy, well clothed with foliage and bolls. No cotton had been picked, as the sowing had been unfortunately late, and the plants were backward. There is some fear of the crop suffering from frost, and the unripe bolls had suffered slightly from the boll-worm. One low well-branched plant in this field had 46 bolls on it. Mr. Login has not given me the quantity of cotton picked from this plot. But even if the yield is small, the experiment can scarcely be considered a fair one, as the sowing took place too late to admit of a favorable result.

6. I also visited the small plot belonging to Sahoo, a cultivator of Duntooree on the Grand Trunk Road at the 102nd mile from Delhi, and 18 miles from Ambala. The area of the plot is $\frac{2}{7}$ of an acre; the soil is good, and it was watered by a well situated within the enclosure. The plot had been manured and the weeds had been carefully removed, and the plants had been tended according to Mr. Login's directions. They were in good condition, though certainly inferior to those at Rai. The experiment had, however, suffered from the flooding of the markande. Up to the 11th of December the pickings from this field had, Mr. Login informs me, been at the rate of 134 $\frac{1}{2}$ lbs. per acre, and more cotton is expected from this field. This experiment again, can hardly be said to have received fair play, as the heavy flooding it received from the river undoubtedly affected the outturn.

7. The field at Shahabad is the property of one of the lumberdars of the village, and is favorably situated just outside the town. It has a well in it, and it is certainly one of the best patches to be found in the neighbourhood. The area of it is $\frac{5}{16}$ of an acre.

Experiment at Shahabad. Next to the plot at the Rai Rest-House, this is the best field I saw. The soil is good, consisting of a light brown friable sandy loam of a depth of about 5 feet. It had been well manured, and carefully weeded. It had been three times watered. This field, although cultivated on the same system, had not filled up so well as the one at Rai, mentioned in paragraph 3 of my report. A plant scarcely above the average was 3 $\frac{1}{2}$ feet in height, and had 34 bolls. Care had been taken to "top" the plants, and to keep them from growing too high. The ripe cotton had all been picked. The roots of a plant 6 feet high were examined, and it was found that the top root measured 2 feet 4 inches, exclusive of about 2 inches which had been broken off at the tip in

* The exact size of the plot, as given by Mr. Login, is 32,896 square feet, but as he points out, the trees interfere with the cultivated area, which is thus as nearly as possible $\frac{3}{4}$ of an acre.

removing it from the soil. The roots ramified freely, shewing a sufficient amount of nutriment near the surface and a well-worked soil. Mr. Login informs me that up to the 11th instant this field had produced clean cotton at the rate of 201½ lbs. to the acre. As in the instances already noticed the plants in this field, on the system recommended by Mr. Login, were found to be much superior to those in the adjoining fields.

8. I also visited the plot situated in the compound of the Rest-House at the 111th mile from Delhi, and 9 miles from Ambala. The soil is good, and until the present experiment was commenced, had not been touched for many years. The area of the experiment is $\frac{9}{20}$ of an acre. The plants were fine, the system of cultivation was the same as that noticed in former cases, with this exception, that the plot had not been irrigated; nor had any manure been applied this year. The plants were good, but inferior to those at Rai and Shahabad. They had been carefully "topped," and had branched freely. I hear from Mr. Login that up to the 11th instant, clean cotton at the rate of 192½ lbs. per acre had been gathered from this field.

9. A native field, in the immediate proximity of this plot, was examined. The plants showed an inclination to branch, but as they had not been "topped," they were somewhat lanky in growth. Two of the best plants examined had, respectively, 41 and 52 bolls, but these were exceptional trees and well above the average.

10. I also visited several very small patches, situated in the compounds of bungalows between the last-mentioned Rest-House and Ambala. The plants in all of these were very much inferior to those already noticed. I have received no details from Mr. Login regarding the yield from these plots. As explained in Mr. Login's report, these last named experiments have had to contend with many disadvantages, and have been much damaged by the floods. And, moreover, although the land is good, and has been little worked, the plots are too much hemmed in by trees to admit of satisfactory growth. They ought, therefore, in fairness, to be put out of consideration in noticing the success of the experiments.

11. It may be convenient here to shew, in a form of a statement, the results of the principal experiments undertaken by Mr. Login at the spots visited by me. These are given below. And it is to be borne in mind, with reference to the figures therein contained, that the yield of clean cotton entered in column 5, represents only the amount picked up to the commencement of this month. Mr. Login has been requested to send further particulars, which will be duly communicated to you as soon as received.

1.	2.	3.	4.	5.	6.	7.	8.
Number of Plot.	Distance from Delhi.	Site.	Size of Plot.	Yield of clean cotton, beginning of December.	How treated.	Rate of yield of clean cotton per acre, up to beginning of December.	Remarks.
1	20 miles	Compound of the Rai Rest-House.	$\frac{2}{3}$ an acre	273½	Ordinary native seed sown on ridges. Ploughed six times. Irrigated six times. Weeded four times.	lbs. 365	Soil good average. Had been under grass for several years. Plants extremely fine.
2	32 "	Lursowlie	$\frac{1}{8}$ "	No particulars received.	Same as above.	No particulars received.	Small patch cultivated by a native; sown late in the season.
3	102 "	Duntooree	$\frac{2}{3}$ "	38½		134½	Belongs to a cultivator named Sahoo, who had managed the field carefully. The country all round had been flooded, and much injured thereby.
4	108 "	Shahabad	$\frac{1}{8}$ "	63	Irrigated three times. Manured once. Weeded four times.	201½	The property of the lumberdar. This had also suffered from inundation.
5	111 "	Rest-House	$\frac{9}{20}$ "	86½	Neither manured nor irrigated; weeded six times.	192½	In the compound of the Rest-House the soil had not been worked for years.

Highest yield—365 lbs. to the acre. Average of four fields, 223 lbs. to the acre.

12. The quality of the cotton produced, and the proportion of seed to cotton, has now to be noticed. I myself picked a small quantity of kuppas or cotton in the seed from Mr. Login's experimental plot at Shahabad. The kuppas was cleaned in my presence and gave the following results :—

	Quantity of kuppas.	Quantity of seed.	Quantity of clean cotton.	Percentage of fibre.
From Mr. Login's field	42 tolas.	29 tolas.	13 tolas.	31 per cent.

Some of the first pickings cleaned by Mr. Login gave rather a more favorable result, the proportion of cotton to seed being, if I remember right, nearly 33 per cent. This is a high percentage.

13. I also picked, at the same time, some cotton from a field cultivated on the native system. This, on being cleaned, gave the following proportions of seed and cotton :—

	Quantity of kuppas.	Quantity of seed.	Quantity of clean cotton.	Percentage of fibre.
From a cultivator's field	9 tolas	6.5 tolas	2.5 tolas	about 28 per cent.

The cotton in question was about the average of the native fields. The cotton grown on Mr. Login's system thus shews a superiority of 3 per cent in the proportion of cleaned cotton to seed, and this is doubtless due to careful cultivation.

14. Next as regards the quality of the cotton. That grown by Mr. Login was carefully picked and cleaned, an advantage the native cotton seldom enjoys. Certainly, so far as cleanliness is concerned, it was far superior to ordinary native cotton brought into the market. The superiority in this respect is, however, to be credited to the great care taken in the preparation of the cotton, which on Mr. Login's experiments, was carefully picked day by day, as the pods burst, and none of which was allowed to fall on the ground and to lie there for several days, as is too often the case in the native fields. Native cultivators who grow cotton on a large scale cannot, as a rule, afford to entertain the labor necessary to prepare cotton in this manner, and they wait until the grain crops are cut, and labor is comparatively cheap, and then have their fields picked by contract.

15. I cannot say that, so far as the length of staple is concerned, I detected any marked superiority in the cotton that had been carefully cultivated. Nor, may I add, has this object been attained elsewhere. Specimens of Mr. Login's cotton and of the ordinary native cotton, have been sent to the Chamber of Commerce, and the opinion of these bodies on this subject will, when received, be duly forwarded for your information.

16. The above remarks have had reference chiefly to the yield of cotton on the experimental plots cultivated under Mr. Login's direction, and it will hardly be contested that, so far as the yield is concerned, these experiments have been a marked success. For, as the statement at paragraph 11 shews, Mr. Login has succeeded in raising as much as 365 lbs. of clean cotton to the acre, whereas the average yield of four fields was at the rate of 223 lbs. to the acre. This is certainly a very large yield, the average yield from native fields is generally considered to be 80 lbs. to the acre, and this estimate is most probably above the mark, and in Upper India the average outturn to the acre is, perhaps, hardly more than 60 lbs. In the rich valley of the Poornah the yield per acre is placed at 100 lbs. during a good season, and even this figure is, if anything, rather high. Careful experiments have been made on the farms in Berar during the past three seasons, and our highest yield was in the case of a field at Shegaon noticed below :—

"No. 10 sown with Hingunghat cotton gave the largest yield of any. The area was 1 acre, 10 poles and from this alone 925 lbs. of kuppas was picked which gave 270 lbs. of cotton. The field was, however, land that had been lying fallow for years. It was, besides, thoroughly ploughed, and the immense yield can hardly be taken as a fair criterion. It serves to shew, however, what the indigenous plant can do in good soil. It is worthy of note that this field was hardly touched by the caterpillar, and out of the 925 lbs. of kuppas only 99 lbs. were classified under 3rd quality. This is only to be accounted for by the fact of the plants having matured more rapidly than the others, so that when the caterpillar came in numbers, the bolls were too

far advanced for their taste." The field was not watered or manured. Still this experiment was on rather too small a scale to be satisfactory, and in the Central Provinces and the Berars the experimental fields are seldom less than five acres.

17. I am not unprepared to hear it argued that these experiments of Mr. Login's have been conducted under favorable circumstances, and that from trials made on so small a scale, it is not possible to judge of the amount of success that would result if the system were generally adopted. Now, if such an argument were advanced, there would be a certain amount of truth in it. And I think it well to look such objections in the face, and to try and ascertain to what extent such arguments bear on the subject.

18. First as regards the season. The season has been by no means a particularly favorable one. On the contrary, the exceptionally heavy rain which fell early in the monsoon throughout Upper India, was very trying to the cotton crop, and many of the fields, as already noticed, suffered severely from the floods. The monsoon throughout Upper India was very trying to the cotton crop, and some of the fields of Mr. Login's experiments, as stated in an earlier portion of this report, suffered from the floods. So the experiments can hardly be said to have been unduly favored by the season.

19. Although the experiments had not the season in their favor, still it may fairly be said that the large yield obtained by Mr. Login is, to some extent at least, to be attributed to the advantages of soil, manure, and irrigation, which most of these experimental plots enjoyed. As far as soil is concerned, I should say that every plot was certainly equal to that of the best native fields. In the experiments at the Rest-Houses the soil had not been worked for years, and this circumstance undoubtedly had its effect upon the yield. Plots 2 at Lursowlie, and 3 at Duntoorie and Shahabad, belonging to native cultivators, were certainly as good as could be found in the neighbourhood. They were in all three cases the property of the lumberdars, who do not pick out the worst land for themselves, and each plot had a well in it, and a well is generally put where the soil is good. Having no experience of the Punjab districts, I speak with some diffidence on the subject, and I may, perhaps, be incorrect in considering that these fields were quite the best that could be selected. But they certainly reminded me of what in the Central Provinces would be called the zemindars' "Karee" field, which, being generally the best in the village, is devoted to the growth of garden produce.

20. In regard to manure, it will be noticed that in cases of fields Nos. 3 & 4, manure was used. It is difficult to say to what extent, exactly, the success of these experiments is due to this fact, but as is well known the scarcity of manure is one of the great difficulties in Indian agriculture. If the success of this system depended on the free use of manure, there would, perhaps, be little hope of its general adoption. But it is to be noticed that fields Nos. 1 & 5, which yielded 365 lbs. and 192½ lbs. respectively were not manured.

21. Then, as regards irrigation, it will be noticed that fields Nos. 1, 2, 3 & 4 had the advantage of several waterings. Here, also, it is impossible to say exactly how much of the success is to be credited to irrigation, and it must be admitted that if irrigation is absolutely necessary to its success, then this system can be made applicable to but a very small portion of the cotton-growing country. On the other hand, it is to be noticed that field No. 5 enjoyed neither the advantage of manure, nor of irrigation. And yet the yield up to the 11th December, was at the rate of 192½ lbs. per acre.

22. But I think that the chief advantage the experiments have enjoyed, has been the intelligent supervision devoted to them by Mr. Login and his subordinates, who have followed the example of their chief, and have gained considerable practical knowledge, and evinced great interest in these improvements in cotton cultivation. And it has specially to be noticed that these experiments, which have been conducted with great care and which have been very perfectly supervised, have been on a very small scale; the largest was but $\frac{3}{4}$ of an acre. I may be wrong; but to this intelligent supervision and careful cultivation of the plants on good soil, I am inclined to credit the greater part of the success of the results. Now this intelligent supervision cannot be made available to any great extent. And as regards the careful cultivation, the great question arises, can all this be done on a large scale? and if so, at what cost? and will the cost repay the expenditure and leave an encouraging margin of profits? It is comparatively easy to tend with great care the plants on, say, one acre of ground, but can that same attention and supervision be devoted by a cultivator to the entire extent of his holding?

If not then he must hire labor. Is labor always available? and if so, what will it cost him to farm, say 20 acres, in this way? On these points the success of the system, I think, chiefly depends, and I believe it to be necessary that they should be carefully ascertained before any reliable opinion can be formed as to the prospect of the system being generally adopted by the native cultivator. And this can only be done by experiments being undertaken on a sufficiently large scale, and on a careful record of the expense and results being kept.

23. It will be remembered that for some time since, the establishment of a model farm in the Ambala District has been under consideration. I have been in communication with the Financial Commissioner of the Punjab on the subject, and I understand from Mr. Egerton that he is in favor of such an undertaking. The subject has been referred to the Commissioner of the Ambala Division, who has evinced much interest in the matter, and I believe the question of a site is now under consideration. I would suggest then that on this farm careful experiments, on the system advocated by Mr. Login, be undertaken in communication with that gentleman, and that every variety of experiment on this system be tried, the plants being sown in the manner recommended by Mr. Login, and grown with and without the assistance of manure and irrigation. Each experiment should be 5 acres in extent, and at least 50 acres should be sown with cotton; the cost of cultivation and the outturn of the 50 acres being carefully noted.

24. If this recommendation is approved, I might, perhaps, be permitted to work out the details in consultation with the Commissioner of the Division and Mr. Login himself.

25. Lastly, I would beg to be permitted to express my opinion that Mr. Login has rendered a great service to the cause of cotton cultivation by undertaking these experiments, and by devoting so much intelligent attention to their carrying out, and I hope that the thanks of the Government of India may be accorded to him for his valuable exertions.

Acknowledgment of Mr. Login's services,
26. Mr. Login mentioned to me that his overseers, Zulphicar and Chokeeloll, have rendered him great assistance. Both these men accompanied me to the experiments, and it was evident that they had devoted much of their spare time to the subject, and had worked very intelligently and zealously. I think it most desirable to encourage men of this class to take an interest in our endeavours to improve the cultivation of cotton.

I would beg therefore to be permitted to present each of them with a silver watch of the value of Rs. 60 in recognition of their services. If further experiments are undertaken next year, I would feel particularly glad if I could secure the assistance of so intelligent a co-adjutor as Zulphicar, the overseer noticed above.

P. S.—The preceding paragraphs have had reference to the success that has attended the experiments in the Delhi and Ambala Division. I now append to this letter copies of the reports of some of the officers by whom the experiments on Mr. Login's system have been carried on in other parts of India. I was anxious that statements of the experience of these officers in this matter should accompany this report, which has accordingly been delayed for some days for the purpose. At the same time I think it desirable that these views should be kept separate from the points on which the Government of India desired me to report, and these papers are therefore submitted in the form of a postscript. These consist, (1) reports of experiments by Mr. Willock, Collector of Boolundshahr, and by the Superintendent of the farm there; (2) the report by Mr. Halsey at Cawnpur, on some experiments conducted on Mr. Login's system at that place. Reports on the other farms have yet to be received and will be duly submitted to you.

2. In the case of Boolundshahr it will be seen that the yield on Mr. Login's system on the several plots was as under:—

No. of plot.	Area.	Variety of cotton grown.	Quantity of kuppas picked up to 2nd December.	Yield of kuppas per acre.	Yield per acre of clean cotton, 31 per cent.
	A. R. P.		lbs.	lbs.	lbs.
1	1 0 25	Hingunghat ..	138	119	36 8
2	1 2 35	Bunnee ..	177	103	54 8
3	This plot was sown with Jurree cotton which, having proved to be unsuited to the climate, has up to date produced nothing.				

The rains in this part of country, as is well known, were extremely heavy, and this doubtless to some extent affected the success of the experiments. From my personal inspection, I can bear out what Mr. Willock says regarding the superiority of the cotton that was sown in ridges.

A copy of Mr. Pearson's report on the experiments at Cawnpur is annexed. Mr. Halsey, the Collector of Cawnpur, who has taken a great interest in the experiment thus writes under date 29th ultimo:—

"I am not aware to what extent Mr. Login has succeeded with his system of cultivation, but I shall be most happy to cultivate an acre of ground next year under his instruction and supervision, as I cannot understand how he succeeded last year, and we have failed this, adopting precisely the method given in his memorandum."

Since visiting Mr. Login's experiments, I have inspected the farms at Boolundshahr and Cawnpur. The experiments were conducted with great care and with every desire for their success. I think the failure in these two instances may be due to some extent to the unfavorable season already alluded to, but I think it will be agreed that they carry out the view expressed in paragraph 22 of my report, that Mr. Login's experiments, so far as their general adaptability is concerned, cannot be accepted as conclusive, and that further trials are required.

No. 68, dated Bulundshahr, the 4th December 1871.

From—H. D. WILLOCK, Esq., *Collector of Bulundshahr,*

To—The Cotton Commissioner, Allahabad.

I HAVE the honor to acknowledge the receipt of your letter No. 6407, dated 23rd November, with enclosures marginally noted, and calling for a report, from the Superintendent of the Cotton Farm, of the success of experiments on Mr. T. Login's ridge system of cotton cultivation.

Cotton Commissioner's Circular No. II, dated 23rd November 1871.

Printed papers regarding Mr. Login's experiments with cotton in the Punjab.

Printed papers regarding Mr. Login's instructions for growing cotton by Mr. Ricketts.

2. I enclose a report submitted by Mr. Simpson the Superintendent.

3. It is rather early in the season to give a correct report of the outturn of the crops grown as recommended by Mr. Login, in comparison with others, as about $\frac{1}{4}$ th of the crops remain to be picked, but still some conclusion can be obtained from the present state of the plants, and the anticipated yield.

4. You will perceive that Mr. Simpson would not recommend the unqualified adoption of the ridge system, and with his opinion I agree. I believe that the chief advantage of such cultivation would be that the plants would be well protected from damage by excessive rains, and that it would only be successful where water was abundant.

5. Mr. Login's system has been tried in our cotton farm, in my private garden, and in an ordinary field by Chowdry Luchmun Singh, zemindar of Shikarpur, and in none of these crops do I find that the plants are more healthy than those cultivated in the ordinary way. There is nothing remarkable about any of them, and a casual observer would not be struck by the strength or size of the plants. In one of my garden plots I planted Hingunghat cotton broad-cast, in the other, ridge sown well banked up from time to time. The soil in both plots was the same, and the crops received an equal amount of manuring and weeding. The broad-cast sown cotton is infinitely superior to the other. One-half (as in the case of the ridge sown) was "topped," and the height of the plants was consequently inferior, but in many cases the other plants sprang to six feet and drooped and fell in consequence. The ridge grown plants are poor looking compared to the others, and it is evident that they have derived no benefit from the position in which they were planted. I cannot tell at present the amount of kuppas likely to be gathered from either of the crops.

6. I translated an abstract of Mr. Login's directions for sowing according to his system, and circulated lithographed copies to the leading zemindars of the district. It has evidently not found favor in their eyes, for Chowdry Luchmun Singh is the only zemindar who has given it a trial, and he does not seem disposed to recommend such cultivation to his cultivators. I shall be glad, however, to give the system another trial on the farm before condemning it.

Dated Bulundshahr, the 2nd December 1871.

From—J. SIMPSON, Esq., *Superintendent, Cotton Farm,*

To—The Collector of Bulundshahr.

I HAVE now the honor of forwarding my report, as requested in the Cotton Commissioner's letter dated 23rd November, of the experiments made on the cotton farm during the past season in growing cotton on Mr. Login's (Egyptian) system.

2. The varieties experimented with were Hingunghat, Bunnee, and Jurree (all three Central India varieties); the seed of the two former varieties was raised on the farm last year, and the seed of the latter was raised from Oomraotee Farm, East Berar.

3. The soil of the three plots is very similar, being a sandy loam of middling quality, generally known here amongst the natives as sewta.

4. Plot No. 1, sown with Hingunghat seeds, measures 1 acre 25 poles, and was prepared as follows:—Irrigated 15th April. Ploughed (with native plough) on the 18th, and again on the 21st; the land was then allowed to remain in the rough state, until the 1st June, when it was again irrigated, and then reploughed on the 6th and 7th June after the myrah had been drawn over the surface, to break down any lumps. Coolies were put on with the maujah, to throw up the soil into ridges, the ridges were raised from 8 to 10 inches high, and three feet apart, as the ridges were made up, the seeds (which had been rubbed in fresh cow manure in order to make them separate freely) were inserted by hand to a depth of two inches, and distant about eighteen inches in the row. The seeds, although got into the soil when nice and moist, were rather backward in germinating, until some rain fell on the 12th and 13th, after which they came up capitally, and made good progress. A shower of rain which fell on the 21st kept up the vigour of the plants until the monsoons fairly set in, the seedlings having attained one foot in height, were thinned out on the 10th July. Great care was taken in selecting the strongest and most promising plants, no attention was required from this date (besides letting off surplus water) until the 26th, on which date the field was weeded and the surface well loosed up with the kourpa. Nothing further was done to the plants until the 30th August, when all plants close upon four feet high had their leading shoot "topped" in order to encourage lateral growths. The field was again weeded on the 6th September, by which time the plants had mostly a good show of flower-buds and pods on them (some of the latter being well advanced towards maturity), and looked nice and healthy, but towards the end of the month the plants began to lose color, and a heavy shower rain which fell on the 26th damaged the plants considerably, knocking off a great many of the buds and pods. A few early pods having opened were gathered (16 lbs.) on the 10th October; it was again picked over on the 21st, when 22 lbs. were obtained, and irrigated for the first time the 27th (which was the earliest date on which water was obtainable); re-picked on 5th November, 46 lbs. being obtained again; irrigated on the 11th November, and re-picked on the 5th, when 54 lbs. was obtained from it, making a total yield up to date of 138 lbs. of kuppas.

5. Plot No. 2, sown with Bunnee, is in extent 1 acre 2 roods 35 poles, and was prepared in exactly the same manner as the above, the operations being performed on the following days. The ridges were made up and the seeds inserted on the 8th June, but owing to the high temperature taking up the moisture so rapidly, the seed germinated but very indifferently until the rains fell on the dates given above, after which they came on rapidly, and being nearly one foot high, were thinned out on the 13th July; the plants were weeded twice, on the 29th July and 31st August, and on the 8th of September the plants being on an average of 3½ feet high had their leading shoot "topped," the plants had at this time a fine show of buds and pods, and gave promise of a good outturn, but a great many of both were stopped off by the rain which fell on the 26th September. A few early bolls having opened, 9 lbs. of kuppas were picked on the 11th October, and again on the 6th November, 62 lbs. were obtained. The plants were irrigated for the first time on the 8th November, and repicked on the 26th November, when 106 lbs. were obtained, thus making the total yield up to date 177 lbs. of kuppas.

6. Plot No. 3, sown with Jurree cotton, was prepared in the same manner as the above, and the seeds sown 14 days later, but as the plants up to this time have produced nothing, it will be needless to give any further details of this experiment. But in addition to details given above, I would here add that each plot, previous to being ploughed, was manured with village manure at the rate of 90 maunds (of 80 lbs.) per acre.

7. Having given details of experiments made during the past season, I here beg to add that my opinion of the ridge-system of cultivation is, where lands are liable to be inundated during the rains, a capital plan, and also in localities where water can always be obtained when required for irrigation, I believe it equally good, but in lands which are entirely dependent on the canal water for irrigation, as is the case with the farm and all experiments here, I would certainly prefer the chances of flat cultivation on the line system, not that the expenses incurred in sowing on ridges are so much greater, but simply because I believe the crops would not be so readily injured through want of moisture, when grown on the flat line system, as they would be if sown on ridges, and both to be deprived of irrigation as was the case with the above experiments, for, from the setting in of the rainy season, until the 25th October (which was exactly one month from the date of the last rain that fell, and a fortnight after the first kuppas had been picked), not a drop of water was available for irrigation.

Dated Cawnpur, the 29th December 1871.

From—W. S. HALSEY, Esq., *Collector of Cawnpur*,

To—The Cotton Commissioner of Allahabad.

I HAVE the honor to enclose the report of the Superintendent, Model Farm, on the experiments in cotton cultivation during the past season.

The rains this year have been highly unfavorable to cotton cultivation, and the situation of the land, with its defective drainage, has contributed to the failure of the experiments.

So far as they go, they have been carried out with the greatest care and regardless of expense, and (short of a different climate, soil and manure) under the circumstances nothing was left undone to secure success.

I regret very much they have one and all failed to show any improvement over the native cultivators, and, as Mr. Parsons very truly says, we can detect little or no advantage from the superphosphate of lime.

This was manufactured by ourselves in accordance with a formula taken from Morton's Encyclopædia of Agriculture. We tried it both dry and in the form of liquid, and, beyond the fact that the quality of the staple is slightly less harsh, there is no appearance of the plant having derived any benefit from it. It may be the deluge of rain, from which we suffered, diluted it to such an extent, that its effect was imperceptible, but if that is the case, it is evident it is not the class of manure to use for a rainy season crop.

The best results obtained were from the ridge system at two feet apart, and I am inclined to think eighteen inches will give even a better yield.

The most curious thing is the state of the Hingunghat crop on plot No. 3; it is now growing most luxuriously and is covered with bolls, which unfortunately the frosts prevent maturing. This is a defect which I have observed during each of the last three years, and I am now quite satisfied it is not suited for this climate.

As Mr. Parsons has pointed out cotton sown during the hot weather makes no progress until the rains fall, and beyond tilling the ground and getting ready for the first fall of rain, I can find no advantage in cultivating by means of irrigation.

I am not aware to what extent Mr. Login has succeeded with his system of cultivation, but I shall be most happy to cultivate an acre of ground next year under his instructions and supervision, as I cannot understand how he succeeded last year and we have failed this, adopting precisely the method given in his memorandum.

If we turn to the average outturn of this district per acre, we find that, in our best plots, we are not behind our native friends, although at present they certainly have nothing to learn from us.

In 1870 there were 84,261 acres under cotton, from which 48,366 maunds were collected, that is, 47 lbs. per acre.

In 1871, there have been 68,443 acres under cotton, producing 39,471 maunds, equal to 56 lbs. per acre. I may also add we have a most magnificent crop of urhur, which was sown along the borders of all these fields, still to be reaped, and which I expect will keep the cattle on the farm for several months.

I also enclose a plan of the land for easy reference.

Dated the 22nd December 1871.

From—A. PARSONS, Esq., *Supdt. in charge of Agricultural experiments, Model Farm,*

To—*The Collector of Cawnpur.*

I HAVE the honor to forward you a report on the experiments with cotton, conducted at the Model Farm during the past season, having reference chiefly to the system of cultivation recommended by Mr. Login.

The site of the experiments is situated on the north-east side of the farm, and is sheltered by tall trees on the west, south and south-east sides.

The soil resembles that of the North-Western Provinces generally, and may be described as a light sandy loam.

Operations commenced the latter part of May by manuring, irrigating and ploughing the land.

Good farm-yard manure, made on the farm, was applied at the rate of 18 tons to the acre.

The land was ploughed with English plough to a depth of six inches, and subsequently cleaned and levelled by coolies.

The amount of land devoted to the experiments was $3\frac{1}{2}$ acres, which was divided into eight plots, five of $\frac{1}{2}$ acre each, and two of $\frac{1}{4}$ acre, and one of $\frac{1}{8}$ acre.

Plot I, consisting of $\frac{1}{4}$ acre, was treated as recommended by Mr. Login, ridges 4 inches in height were thrown up at intervals of 3 feet, and seed of the North-Western country cotton sown on the 5th of June, 3 seeds were sown in the form of a triangle thus * * * 2 inches apart at intervals of 3 feet, consequently the plants before being thinned were 3 feet apart in every direction.

The seeds germinated freely and the plants were above ground by the 12th, but made very little growth until the rains set in.

The plot was weeded by hand, July 4th, and plants thinned, July 14th, a second and third weeding took place August 7th, and September 15th respectively.

By August 7th, the greater portion of the plants were 3 feet in height and were then "topped" which induced them to throw out several branches; these did not, however, cover all the ground, there being, when the plants had completed their growth, sufficient space for as many more as the plot contained.

The plants commenced to bloom August 15th, but owing to the heavy rains, during that and the following month, the produce of these flowers was very inferior owing to attacks from the boll-worm.

The first kuppas were gathered September 30th, and was continued every 3 or 4 days up to November 30th, when the plants ceased bearing.

The total yield of kuppas was 40 lbs. which gave 13 lbs. of clean cotton, or at the rate of 52 lbs. per acre.

Plot II, consisting of $\frac{1}{2}$ an acre, was treated precisely as plot I, with the exception of being sown a week later, and 25 maunds of superphosphate of lime applied to the land in a liquid state the day after sowing the seed.

The first kuppas was gathered October 3rd, and continued up to December 10th, the total yield being 72 lbs., which produced 22 lbs. of clean cotton.

Plot III, also $\frac{1}{2}$ an acre, was sown June 15th, with Hingunghat cotton in alleys 3 feet apart, and 2 inches below the general surface of the ground. Superphosphate of lime was applied as in plot II the day before sowing.

The plants suffered considerably from the heavy rains, through being sown too low, and generally presented an unthrifty look till the middle of September, when the dry weather set in. The plants were earthed up, August 1st, and the soil between the rows loosened and levelled.

The plants were "topped" when 3 feet in height, the gathering began, October 17th, and ended November 30th, the yield being only 9 $\frac{1}{2}$ lbs. of kuppas and 3 of clean cotton.

At the present date the plants present a more luxurious appearance than those in the other plots, but the weather is now too cold to mature the bolls.

This kind suffered more than the indigenous variety from the boll-worm; a quantity of the bolls being quite worthless, and were not gathered.

Plot IV, $\frac{1}{4}$ of an acre, was treated the same as plot II, but sown a week later; the gathering began, October 2nd, and ended December 8th, yielding 19 lbs. of kuppas and 6 of clean cotton.

Plot V, $\frac{1}{4}$ acre, was sown broad-cast with country cotton, June 27th. A quantity of the seed failed to germinate, consequently the plants were much thinner than was at all necessary; 12 $\frac{1}{2}$ maunds of superphosphate of lime was applied before sowing.

The plants were not "topped" and grew to 4 and 5 feet in height.

The picking began October 7th, and ended December 8th, yielding 29 lbs. of kuppas and 9 of clean cotton.

Plot VI, $\frac{1}{2}$ an acre of Hingunghat, was sown June 25th, and treated the same as plot I, with the addition of being watered with superphosphate of lime, August 27th.

The gathering took place from October 27th to November 30th, and yielded 20 lbs. of kuppas, and 6 of clean cotton.

Plot VII, half an acre of North-West country cotton, was sown, June 27th, on ridges two feet apart, and the plants thinned to the same distance.

These did not grow so strong as those in the other plots of the same kind, but presented a uniformly medium growth throughout; the picking continued from October 14th to December 10th, and has given the best yield of all the plots, being 94 lbs. of kuppas and 28 of clean cotton.

Plot VIII, half an acre of North-West country cotton; sown July 2nd, was treated the same as plot VII, with the exception of not being on ridges; the plants presented much the same appearance, but have not yielded quite so much, the outturn being 78 lbs. of kuppas and 24 of clean cotton.

Appended to the report is a collated statement of the treatment and yield of all the plots.

The experiments have not proved very satisfactory; the chief cause of failure, however, may be accounted for by the rainy and general unfavorable season we had, consequently the experiments will have to be conducted another year in order to obtain definite results.

The seed in all the plots was sown too thin, which in future experiments will have to be guarded against.

The advantage of sowing on ridges in rainy districts was very apparent this season, the plants so treated were more luxuriant and healthier during the rains than those sown in the usual manner.

In a dry season, however, it would, I think, be no advantage whatever, but the contrary; the plants would then be subjected to a still greater degree of dryness.

The superphosphate of lime does not appear to have produced any very marked results, certainly not in the yield; but the staple appears somewhat softened, not being so harsh to the touch as the country cotton generally is.

The plants in plot I maintained the lead all the season, but no advantage is gained by sowing before the rains set in, while there is the additional cost of irrigating the land for ploughing.

Statement of Experiments in Cotton Cultivation at the Model Farm, Cawnpur, 1871.

NAME	No. of plot	Area in Acres.	Preparation of ground.	Date of sowing.	Date of picking.	Yield of kuppas.	YIELD OF CLEAN COTTON.		PERCENTAGE OF CLEAN COTTON.	
							1st quality.	2nd quality.	1st quality.	2nd quality.
N. W. Country	1	.25	Manured with farm yard. Manure irrigated and ploughed, end of May.	June 5th ...	September 30th to November 30th.	lbs. 40	lbs. 13	lbs. ...	lbs. 13	32
"	2	.50	Same as plot I, with 25 maunds of superphosphate of lime applied in liquid after sowing.	June 12th ...	October 3rd to December 10th.	72	22	...	22	30
Hingunghat	3	.50	Same as plot I, superphosphate applied as in plot II before sowing.	June 15th ...	October 17th to November 30th.	9½	3	...	3	33
N. W. Country	4	.125	Same as plot I, with six maunds of superphosphate of lime applied after sowing.	June 18th ...	October 2nd to December 8th.	19	6	...	6	31
"	5	.25	Same as plot I, with 12½ maunds of superphosphate of lime applied before sowing.	June 27th ...	October 7th to December 8th.	29	5	4	9	33
Hingunghat	6	.5	Same as plot I, watered with superphosphate of lime, August 27th.	June 25th ...	October 27th to November 30th.	20	4	2	6	33
N. W. Country	7	.5	Same as plot I	June 27th ...	October 14th to December 10th.	94	28	...	28	30
"	8	.5	Same as plot I	June 2nd ...	October 16th to December 19th.	78	24	...	24	3

Nos. 68 to 71.

Extract from the Proceedings of the Government of India in the Department of Agriculture, Revenue and Commerce,—dated Fort William, the 20th March 1872.

FIBRES and SILK.

READ again—

A report by Mr. Login, Executive Engineer, dated 20th October 1871, on certain experiments in the cultivation of cotton.

Read again—

Letter No. 136, dated the 1st of November 1871, forwarding said report to the Commissioner of Cotton and Commerce, with certain orders.

Read—

Mr. Rivett-Carnac's reply No. 55, dated the 30th of December last.

RESOLUTION.

1. The Governor General in Council has perused, with much interest, Mr. Rivett-Carnac's Report on the results of Mr. Login's experiments in growing cotton on the Egyptian system.

2. Experiments on a larger scale will be necessary to enable Government to determine how far Mr. Login's plan of cotton culture is likely to prove generally successful, and how far the favorable results which he has hitherto obtained have been due to the extreme care bestowed by him and his subordinates on the undertaking.

3. Under any circumstances, Mr. Login is entitled to the thanks of Government for the attention which he has paid and the labor he has devoted to this most important national object—the improvement of the cotton culture of India.

4. Mr. Rivett-Carnac's suggestion in regard to Mr. Login's two overseers is approved.

5. The Governor General in Council will be very glad if His Honor the Lieutenant-Governor of the Panjáb can arrange for the further prosecution of these experiments, as suggested by the Commissioner of Cotton and Commerce.

ORDER.—Ordered, that Mr. Rivett-Carnac's Report and this Resolution be published in the Supplement to the *Gazette of India*.

Ordered, that a copy of the Report and of this Resolution be forwarded to the Government of the Panjáb, with reference to its letter No. 899 of the 11th December last, and in view to the further prosecution of the Ambála experiments.

Ordered, that copies of the Resolution be forwarded to the Commissioner of Cotton and Commerce and to Mr. Login for information.

Ordered, that a copy of the report and of the Resolution be sent to the Public Works Department, with a request that overseer Zulfikar's services may, if possible, be placed, when needed, at Mr. Rivett-Carnac's disposal.

(True Extract.)

A. O. HUME,
Secretary to the Government of India.

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
IRRIGATION OPERATIONS OF LOWER BENGAL UP TO 31ST JANUARY 1872

Circle.	Canal.	WATER SUPPLIED DURING JANUARY 1872.					APPROXIMATE AREA IRRIGATED DURING JANUARY 1872.				RAINFALL.			NAVIGATION RETURN.					CHIEF IRRIGATION.		REMARKS.	
		Full supply depth.	Estimated full discharge in cubic feet per second.	Average depth throughout the month.	Average discharge in cubic feet per second throughout the month.	District.	Area actually receiving water during the month in acres.	Of column 8 area receiving water for the first time during current year.	Total of column 9 for all previous months of current year.	Total area irrigated up to date during the current year.	Inches during the month.	Inches up to date during the year.	Average of ten previous years for the same period.	Nature of Traffic.	Number of Boats.	Tonnage.	Ton mileage.	Approximate value of Goods.	Per column 8.	Per column 9.		
Orissa	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
		High Level...					Cuttack			10,721	10,721		49.24	53.18	Local ...	8	42	1,003	5,095			Canal closed since 15th December 1871 for repairs.
		Kendrapara ..	7	1,262	3.96	505.983	Ditto			15,647	15,647		49.40	53.23	Local ...	54	698	29,274	1,28,198			Canal closed from 15th December 1871 to 25th January 1872 for repairs. Discharge through No. 8 Lock is 354 c. ft. per second. No discharge through Muntree Escape.
		Taldanda, 1st Reach.	6	1,200	6.25	11,230	Ditto			1,376	1,376		49.40	53.23	Local ...	2	15	15	20			Canal closed for repairs.
		Do, 2nd do.	7	650	5.50	3,800	Ditto			310	310		49.40	53.23	Local ...							
South-Western		Machgong ...	5	650	4	2.75	Ditto			6,107	6,947		64.27	49.29	Local ...	1,728	740	61,269	4,64,082			* No irrigation.
		Midnapore ...	8	875			Midnapore	840	840				61.25	Not available	Government	3	77	1,351	8,225			Boro Paddy Boro Paddy.
		Panchkooah*	6	240			Howrah								Local							
	Tidal					Midnapore									Local	118	655	17,039	9,863			
Orissa		January 1871.					Total	840	840	34,101	35,001											
		High Level...					Cuttack			22,035	22,035		47.98	53.38								
		Taldanda					Ditto	200	100	22,000	22,100		47.98	53.38								
South-Western		Kendrapara ..					Ditto	1,260	254	68,416	68,670		47.98	53.38								
		Midnapore ...					Midnapore			29,114	29,114		45.85	35.63								
		Panchkooah					Howrah			878	878		43.90	Information not obtainable.								
	Total					Total	1,400	354	142,443	142,797												

F. T. HAIG, Lieut. Colonel, R. E.,
Offy. Jt. Secy. to the Govt. of Bengal in the
P. W. D., Irrgn. Branch.

The 12th March 1872.

IRRIGATION OPERATIONS OF FUSL RUBEE IN THE PUNJAB UP TO 31ST DECEMBER 1871.

CANAL DIVISION.	WATER DISTRIBUTED DURING MONTH.				NAVIGATION RETURN CANAL.		LAND IRRIGATED (APPROXIMATE).		RAIN-FALL.		CHIEF CROPS (APPROXIMATE).		REMARKS.
	DEPTH IN CANAL AT REGULATING GAUGE.		GROSS CONSUMPTION C. FT. PER SECOND.		PRINCIPAL ITEMS OF TRAFFIC.		ZILKAR.	ACRES.	AVERAGE.	DRAINING MONTH.	NAME.	AREA IN ACRES.	
	Full Supply.	Actual throughout December.	Estimated Full Supply.	Actual average throughout December.	Up.	Down.							
BAREE DOAB CANAL. { 1st Division Main Branch, Lower Lahore Branch 2d Divn. }	4-90	2-96	3073-6	{ 1004-44 589-45 632-39 }	Nil	Nil	Goordaspoor	14,577	0-44	3-10	Wheat	130,555	The extraordinarily large increase shown in areas irrigated in this month is entirely on the 2nd Division, Baree Doab Canal, and is attributed to a very large portion of the sowings made in November not being entered in returns for that month.
	4-60	2-31					Umritsur	68,116	0-34	1-25	Barley	5,311	
	3-30	2-81					Lahore	80,501			Grain	1,161	
											Mixed grains	10,397	
WESTERN CANALS. { Kurmaal Division Delhi Hansi " Bulla Head }	...	...	3073-6	2226-28	Nil	Nil		163,194	...	...	...	163,194	80-12 cubic feet per second escaped down the Boodha Khara Escape. The increase of 16,227 acres over the corresponding period of last year is attributable to the small rain-fall. The rain which fell during the month has reduced the demand for water which was very great.
	...	...	3073-6	1932-68	Nil	Nil		61,326	...	...	...	61,326	
	4-33	4-20	2546-00	{ 331-46 836-29 959-00 }	Nil	87,367	Umballa	523	0-603	1-20	Wheat	147,919	
	4-40	4-43					Kurmaal	45,218	0-485	7-70	Barley	3,895	
INDUNDATION CANALS. { Upper Sutlej Division Lower Sutlej and Chenab Indus Canals }	8-80	8-60		271-42			Delhi	42,647	1-6	1-6	Mixed grains	21,235	The whole of the Inundation Canals are dry.
	8-40	8-20					Rohtuck	30,944	0-2	...	Others	5,272	
							Hissar	35,131	0-4	...			
							Jheend	23,712	...	3-4			
TOTAL W. J. CANALS ... CORRESPONDING PERIOD OF LAST YEAR	...	...	2546-00	2398-17	...	87,367		178,321	...	...	...	178,321	The whole of the Inundation Canals are dry.
	...	...	2546-00	2145-23	...	92,089		162,094	...	...	...	162,094	
	...	...			...		Lahore	3,000	...	...	Details not obtainable for want of establishment.	...	
	...	...			...		Montgomery	25,000	1-03	0-90		...	
TOTAL INUNDATION CANALS ... CORRESPONDING PERIOD OF LAST YEAR	...	...			...		Mooltan	Nil	...	...		...	The whole of the Inundation Canals are dry.
	...	...			...		Dera Ghazee Khan	Nil	...	...		...	
	...	...			...			28,000	...	...	...	28,000	
	...	...			...			60,000	...	...	...	60,000	
DELHI AND GOORGAON WORKS ... CORRESPONDING PERIOD OF LAST YEAR	...	...			...		Delhi	1,385	...	...	Wheat	4,418	The whole of the Inundation Canals are dry.
	...	...			...		Goorgaon	4,171	...	...	Barley	1,581	
	...	...			...		Rohtuck	1,187	...	...	Mixed grains	744	
	...	...			...			6,743	...	...	...	6,743	
TOTAL DELHI AND GOORGAON WORKS ... CORRESPONDING PERIOD OF LAST YEAR	...	...			...			7,264	...	...	...	7,264	The whole of the Inundation Canals are dry.
	...	...			...				...	...	...		
	...	...			...				...	...	...		
	...	...			...				...	...	...		
PERENNIAL CANALS— GRAND TOTAL DITTO—CORRESPONDING PERIOD OF LAST YEAR	...	...			...	87,367		341,515	...	...	...	341,515	The whole of the Inundation Canals are dry.
	...	...			...	92,089		223,420	...	...	...	223,400	
	...	...			...				...	...	...		
	...	...			...				...	...	...		

(Sd.) HENRY TANNER,
Offg. Asst. Secy. to Govt., Punjab, P. W. D., Irrigation Branch.



SUPPLEMENT TO
The Gazette of India.

CALCUTTA, SATURDAY, MARCH 30, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or ten Rupees eight annas if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.

**ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR
 GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING
 LAWS AND REGULATIONS UNDER THE PROVISIONS OF
 THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.**

The Council met at Government House on Tuesday, the 12th March 1872.

PRESENT:

His Excellency the Viceroy and Governor General of India, K. T., *presiding*.
 His Honour the Lieutenant Governor of Bengal.
 His Excellency the Commander-in-Chief, G. C. B., G. C. S. I.
 The Hon'ble John Strachey.
 The Hon'ble J. Fitzjames Stephen, Q. C.
 The Hon'ble B. H. Ellis.
 Major General the Hon'ble H. W. Norman, C. B.
 The Hon'ble J. F. D. Inglis.
 The Hon'ble W. Robinson, C. S. I.
 The Hon'ble F. S. Chapman.
 The Hon'ble R. Stewart.
 The Hon'ble J. R. Bullen Smith.
 The Hon'ble F. R. Cockerell.

INDIAN CONTRACT BILL.

The Hon'ble MR. STEPHEN presented the Report of the Select Committee on the Bill to define and amend the Law relating to Contracts, sale of Moveables, Indemnity and Guarantee, Bailment, Agency and Partnership.

CRIMINAL PROCEDURE BILL.

The Hon'ble MR. STEPHEN also presented the Report of the Select Committee on the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter.

INDIAN EVIDENCE BILL.

The Hon'ble MR. STEPHEN also moved that the Report of the Select Committee on the Bill to define and amend the Law of Evidence be taken into consideration. He said: "MY LORD—Just a year ago, in submitting the report of the Committee to the Council, I explained at very considerable length the general design and scope of the Bill which they proposed, and which is now before the Council for its final decision. I need not revert to what I then said upon the general principles of the subject. My best course, I think, will be to inform the Council of what has taken place in relation to the Bill since I last addressed them on the subject.

"After a very full and careful reconsideration of its various details, the Bill was published in the *Gazette* and forwarded to the Local Governments for opinion. It was carefully reconsidered in Committee, after the return of the Government to Calcutta. It was published in the *Gazette* upwards of a month ago, with a report giving an account of the various alterations which had been made in it; and it is now finally submitted for the consideration of the Council. The Committee has fully considered all the papers with which it was favoured; but with one or two exceptions, I cannot say that it has received any very considerable assistance from its critics. The Bengal Government made some important observations, and so did the Madras Government, which favoured us with two peculiarly valuable papers; one by the then Advocate General, Mr. Norton, and the other in the form of a letter by the Government itself, which had obviously been prepared with the advice and assistance of a very able professional lawyer. We have received no public expression of opinion from any one of the High Courts, except the High Court of Bombay, which approved generally of the Bill, but took exception to two of its provisions on minor points. The High Court of Calcutta announced its intention to say nothing at all on the matter. The High Courts of Madras and Allahabad have, as a fact, said nothing; and as the Bill has been before them for many months, I presume that they do not intend to do so. I have, however, the satisfaction of being able to say that most of the Barrister Judges of the High Courts, and three out of the four Chief Justices, have informed me that they approve generally of the Bill, and regard it as an important improvement on the existing state of things. The Local Governments, I think, are unanimous in regarding the measure as one which is much needed, and which is so far suited to its purpose as to be both intelligible to persons not legally trained, and complete in essential respects.

"Upon this point, I would specially refer to the valuable papers already referred to, which have been received from Madras. It is impossible, in reading them, not to see that their authors do not like the Bill. They find every fault they can with it, sometimes coming to very minute criticism. I do not in the least complain of this. I only wish the Bill had been criticised more fully in the same spirit, and I readily admit that the critics in question have pointed out many defects which have been, I think, removed. I am entitled to say that such other defects as may still be latent in it have escaped the detection of at least two highly competent, and by no means favourable critics, who have given the matter careful consideration. Upon some of these criticisms, I will make a few remarks as I go on. I refer to them now for the sake of showing the importance of the opinions which I am about to read.

"The letter of the Madras Government says—

'It is both advisable and possible so to codify the Law of Evidence as to present within the limits of a single enactment a treatise upon that law practically sufficient for ordinary purposes,'

and it then adds—

'The Draft Bill in its scheme and general arrangement appears to furnish an adequate outline of such a Code;'

but it is observed that the Bill 'in its present state is far from complete.'

"Mr. Norton expresses the same opinion at greater length, and each of these authorities agrees in the statement that the Bill is only a skeleton, which will have to be completed by a great number of judicial decisions.

"Mr. Norton criticises the Bill, section by section, and in order to show how fully he has done so, he observes—

'I have, however, compared it, section by section, with Taylor, Roscoe, Best, and other text-writers; with the Civil and Criminal Procedure Codes so far as they apply to the subject of evidence; with some of the existing Acts which regulate judicial evidence, and such judicial decisions as I have access to, illustrating the principles which at present are generally supposed by the Profession to obtain in the Courts of India.'

"He could hardly, I think, have submitted it to a more searching test. Further on, he observes—

'The process by which this Bill has been, in the main, built up, appears to me to have been by following Mr. Pitt Taylor's work on Evidence, and arbitrarily selecting certain sections or portions of sections.'

"He then criticises the Bill in detail, and concludes by saying—

'Such are the observations that have occurred to me in the most careful study I can give this Bill; and I think that, with some omissions, a little re-arrangement here and there, and considerable extension and enlargement, it promises to prove a great step in advance and improvement in the present uncoded law of evidence, and likely to afford very valuable aid and facilities to the Mofussil Judges, and all concerned in the practice of the law in the Mofussil.'

"The general result of these criticisms is, that the Bill is good as far as it goes, but is very incomplete, and is composed of scraps of *Taylor on Evidence*, 'arbitrarily,' and much too sparingly, selected. I think I owe to the Council and to the public some observations on this matter. I assert that they do the Bill an injustice; that it is very much more complete than its critics allow it to be; and that their own writings prove it. I will not do Mr. Norton the injustice of supposing that he has intentionally kept back anything of importance which has occurred to him on the Bill. I am therefore entitled to assume that his paper, which contains 103 paragraphs and extends over 14 folio pages, refers to all the defects and omissions which his careful study of the subject has brought to his notice. Passing over criticisms of detail, many of which are no doubt just and have been adopted, I find that the only sins of omission with which he charges the Bill are the following:—

"1.—Its provisions as to the effect of judgments are 'meagre.'

"2.—It does not deal fully enough with the subject of presumptions.

"He also suggests slight additions to, or enlargements upon, four sections of very subordinate importance, which I will not trouble the Council by referring to.

"The letter from the Madras Government, which describes the Bill as 'far from complete,' specifies no omission whatever, except in reference to the subject of presumptions, more of which, it affirms, should be included 'in a Code aiming at completeness.'

"The charge of incompleteness, then, comes to this, that the Bill does not deal fully enough with the two subjects of judgments and presumptions. I will refer to those points hereafter; but I will first, with your Lordship's permission, say a few words on the positive grounds on which I assert that the Bill does form a complete Code, and does deal with every subject which has been dealt with by English text-writers on evidence or by English legislation. This leads me, in the first place, to notice the remark that it consists of bits of *Taylor on Evidence* 'arbitrarily' chosen. There is a certain amount of truth in this charge, about as much truth, and truth of the same kind, as there would be in saying that the speech which I am now making is composed of words arbitrarily chosen out of the dictionary. I could hardly mention any English law-book in common use, which is, or even pretends to be, much more than a large index, made up of extracts from cases strung together with little regard to any other than a very superficial perfunctory arrangement of the subject-matter. There is always some one book which is in possession of the field at a given moment, because it is more complete than its rivals, and has the latest cases and Statutes entered up in it. This position at present is occupied by Mr. Taylor's book, as it was occupied before his time by Gilbert, Phillips, Starkie and others; and as analogous positions are occupied, in relation to other subjects, by *Russell on Crimes*, *Bullen on Pleading* and

other works known to all lawyers. To say, however, that the Bill now before the Council consists of bits taken from Taylor, and especially of bits taken 'arbitrarily,' is altogether incorrect. In the first place, the arrangement of the Bill, and the general conception of the subject on which that arrangement is based, are altogether unlike anything in Taylor or in any other text-book on the subject with which I am acquainted. Nowhere in Taylor, nor in Mr. Norton's own book on the subject, will be found any recognition of the distinction between the relevancy of facts and the proof of facts, or any, even the faintest, perception of the extreme ambiguity and uncertainty which, as I showed in the observations which I addressed to the Council a year ago, have been thrown over the whole subject by the absence of anything like an attempt to define with precision the fundamental terms of the subject, and especially the words 'fact' and 'evidence.' As to the notion that bits of Taylor have been 'arbitrarily' put together in the Bill, I will only say that, at a proper time and place, I would undertake to assign the reason why every section stands where it does. Upon the question of completeness, however, I will make this remark: I assert that every principle applicable to the circumstances of British India which is contained in the 1,598 royal octavo pages of *Taylor on Evidence*, is contained in the 167 sections of this Bill; I also assert that the Bill has been carefully compared, section by section, with the last edition of Mr. Norton's work upon evidence, and that it disposes fully of every subject of which Mr. Norton treats.

"As to the specific instances of incompleteness which are alleged against the Bill, two only are of any importance, and upon each of them I will say a few words.

"The first is, that the Chapter on Judgments is meagre. My answer is, that it may appear meagre to those who take their notions of the Law of Evidence from works like Mr. Taylor's; but that it contains everything which properly belongs to the subject. Its utter absence of arrangement and classification on every subject is the great reproach of the law of England, and one of the strongest instances of it is to be found in the way in which provisions of an essentially different character are frequently comprised under the same head. I might give many illustrations of this; but the Law of Evidence, I think, supplies more glaring illustrations than any other department of law. Many English writers have treated the subject in such a manner as to make it comprise the whole body of the law. Thus, for instance, *Starkie's Law of Evidence* deals with the whole range of the criminal law and of actions for contracts and wrongs. His book contains, not merely rules about hearsay and secondary evidence and the like, but a specification of the sort of facts which it is permissible to prove on a charge of murder, or in an action for libel, in order to show malice, or under the plea of not guilty in such an action. It is obvious that the Law of Evidence thus conceived would include nearly the whole of the substantive law, and it follows, I think, that it is of great importance to draw the line distinctly between what properly belongs to the subject and what does not. It is for this reason that the sections about judgments are drawn in their present form, and that certain topics connected with judgments, which are often dealt with by writers on evidence, are omitted from the Bill. The subject is very technical; but I will endeavour to explain it in a few words.

"The second section of the Code of Civil Procedure enacts that—

'The Civil Courts shall not take cognizance of any suit brought on a cause of action which shall have been heard and determined by a Court of competent jurisdiction in a former suit between the same parties, or between parties under whom they claim.'

"The Code of Criminal Procedure enacts that a man shall not be tried again after he has once been acquitted or convicted. It is a matter of great difficulty and intricacy to describe the precise effect of these provisions, and to show how they apply to a variety of cases which may arise. Mr. Broughton's edition of the Code of Civil Procedure contains ten large pages, in very small print, of notes of the cases which have been decided on the second section of the Code of Civil Procedure, and a certain number of decisions have been given on the corresponding sections of the Code of Criminal Procedure; and it is because

this Bill does not codify those decisions that it is described as meagre. My answer to the criticism is, that the authors of the two Codes in question were quite right in considering the matter as essentially a matter of procedure. It no more belongs to the Law of Evidence than a thousand other questions which are sometimes connected with it. There are, for instance, cases in which insanity excuses an act which, but for its existence, would be a crime. If a man defends himself on the ground of insanity, he must give evidence of it, just as he must prove the existence of a judgment barring his antagonist's right to sue if he relies on the right's being so barred; but it appears to me that it would be as reasonable to treat the question of the effect of insanity on responsibility as a part of the Law of Evidence, because, in particular cases, it may be necessary to give evidence of insanity, as to treat the law as to the effect of a previous judgment on a right to sue as part of the Law of Evidence, because, in certain cases, it may be necessary to give evidence of the existence of a previous judgment.

"The only questions connected with judgments, which do appear to me to form part of the Law of Evidence properly so called, are dealt with in sections 40—44 of the Bill. These sections provide for the cases in which the fact that a Court has decided as to a given matter of fact relevant to the issue may be proved for the purpose of showing that that fact exists. This, no doubt, is a branch of the Law of Evidence, and the provisions referred to dispose of it fully.

"As to the subject of Presumptions, my answer to the critics of the Bill is partly to the same effect, though their criticisms were perhaps better founded. I must admit that the Bill as introduced dealt less fully with this subject than was thought desirable on further consideration, and some additions to it have accordingly been introduced, though the general principle on which the matter was dealt with is maintained. The subject of presumptions is one of some degree of general interest. It was a favourite enterprise on the part of continental lawyers to try to frame systems as to the effect of presumptions which would spare Judges the trouble of judging of facts for themselves by the light of their own experience and common sense. A presumption was an artificial rule as to the value and import of a particular proved fact. These presumptions were almost infinite in number and were arranged in a variety of ways. There were rebuttable presumptions, and presumptions which were irrebuttable. *Præsumptiones juris et de jure*, *Præsumptiones juris*, and *Præsumptiones facti*. There were also an infinite variety of rules for weighing evidence; so much in the way of presumption and so much evidence was full proof, a little less was half-full, and so on. Scraps of this theory have found their way into English law, where they produce a very incongruous and unfortunate effect, and give rise to a good deal of needless intricacy. Another use to which presumptions have been put is that of engrafting upon the Law of Evidence many subjects which in no way belong to it. For instance, there is said to be a conclusive presumption that every one knows the law, and this is regarded as necessary in order to vindicate the further proposition that no one is to be punished for breaking a law of which he was ignorant. To my mind this is simply expressing one truth in the shape of two falsehoods. The plain doctrine, that ignorance of the law is no excuse for breaking it, dispenses with the presumption, and hands the subject over, from the Law of Evidence with which it is accidentally connected, to criminal law to which it properly belongs.

"I will not weary the Council by going into all the details of the subject, though I could with perfect ease, if it would not take too long, answer specifically the remark of the Madras Government on this matter. That Government says—

'Sections 102-4 contain three instances of presumptions, selected from a chapter of the Law of Evidence which in Taylor fills 111 sections. It is difficult to see why any should be inserted when so few are chosen.'

"In general terms the answer is this; large parts of Mr. Taylor's chapter relate to topics which have nothing to do with the Law of Evidence. Those which are of practical importance are all included in the Bill as it stands (a few were no doubt omitted in the first draft), and they fall under these heads:—1st.—There

are a few cases in which it is expedient to provide that one fact shall be conclusive proof of another, for various obvious reasons—the inference of legitimacy from marriage is a good instance. *2ndly.*—There are several cases in which Courts would be at a loss as to the course which they ought to take under certain circumstances without a distinct rule of guidance. After what length of absence unaccounted for, for instance, may it be presumed that a man is dead? The rule is that seven years is sufficient for the purpose. Obviously, six or eight would do equally well; but it is also obvious that, to have a distinct rule is a great convenience. All cases of this kind fall properly under the head of the Burden of Proof, and I think it will be found that the provisions contained in chapter VII of the Bill provide for all of them. A new section (114) has been added to this chapter which deserves special notice. Its substance was, I think, implied in the original draft of the Bill; but it has been inserted in order to put the matter beyond all possibility of doubt. It is in the following words—

‘114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

Illustrations.

The Court may presume—

- (a.) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;
- (b.) That an accomplice is unworthy of credit, unless he is corroborated in material particulars;
- (c.) That a bill of exchange, accepted or endorsed, was accepted or endorsed for good consideration;
- (d.) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence;
- (e.) That judicial and official acts have been regularly performed;
- (f.) That the common course of business has been followed in particular cases;
- (g.) That evidence which could be, and is not, produced, would, if produced, be unfavourable to the person who withholds it;
- (h.) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him;
- (i.) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before them:—

As to illustration (a)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business:

As to illustration (b)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself:

As to illustration (c)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable:

As to illustration (d)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence:

As to illustration (e)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course:

As to illustration (f)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances:

As to illustration (g)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances:

As to illustration (h)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family:

As to illustration (i)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:

As to illustration (i)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

“The effect of this provision, coupled with the general repealing clause at the beginning of the Bill, is to make it perfectly clear that Courts of justice are to use their own common sense and experience in judging of the effect of particular facts, and that they are to be subject to no technical rules whatever on the subject. The illustrations given are, for the most part, cases of what in English law are called presumptions of law; artificial rules as to the effect of evidence by which the Court is bound to guide its decision, subject, however, to certain limitations which it is difficult either to understand or to apply, but which will be swept away by the section in question. I am not quite sure whether, in strictness of speech, the rule that an accomplice is unworthy of credit, unless he is confirmed, can be called a presumption of law, though, according to a very elaborate judgment of Sir Barnes Peacock’s, it has, at all events, some of the most important characteristics of such a presumption. Be this how it may, the indefinite position in which it stands has been the cause of endless perplexity and frequent failures of justice. On the one hand, it is clear law that a conviction is not illegal because it proceeds on the uncorroborated evidence of an accomplice; on the other hand, it seems to be also law that, in cases tried by a jury, the Judge is bound by law to tell them that they ought not to convict on such evidence, though they can if they choose. How a Sessions Judge (sitting without a jury) is to give himself a direction to that effect, and how a High Court is to deal with a case in which he has convicted, although he told himself that he ought not to convict, I do not quite understand. At all events, it seems to me quite clear that he ought to be at liberty to use his discretion on the subject. Of course, the fact that a man is an accomplice forms a strong objection, in most cases, to his evidence; but every one, I think, must have met with instances in which it is practically impossible to doubt the truth of such evidence, although it may not be corroborated, or although the evidence by which it is corroborated is itself suspicious.

“As I have already observed, I do not wish to trouble the Council with technicalities; but I hope this explanation will show that this part of the Bill, at all events, is not incomplete.

“I may observe that many topics closely connected with the subject of evidence are incapable of being satisfactorily dealt with by express law. It would be easy to dilate upon the theory on which the whole subject rests, and the manner in which an Act of this kind should be used in practice. I think, however, that it would not be proper to do so on the present occasion. I have therefore put into writing what I have to say on these subjects, and I propose to publish what I have written, by way of a commentary upon, or introduction to, the Act itself. I hope that this may be of some use to the Civil Servants who are preparing for their Indian career, and to the law students in Indian Universities. The subject is one which reaches far beyond law; for the law of evidence is nothing unless it is founded upon a rational conception of the manner in which truth as to all matters of fact whatever ought to be investigated.

“I now turn to a criticism made on the Bill by His Honour the Lieutenant-Governor of Bengal, who appears to be somewhat dissatisfied with the manner in which the Bill deals with the question of relevancy, which, as he says, is a question of degree.

“The Lieutenant-Governor has no doubt that the law, clearing up the obscurity now prevailing as to rules of evidence, protecting our courts from the intrusion of a foreign law of evidence in no way applicable, and rendering the Judges in some degree masters in their own courts, will be highly beneficial. His principal doubt is, whether it is possible to define by law what evidence is relevant and what is not. He is inclined to think that relevancy is a question of degree; that the relevant shades off into the irrelevant by imperceptible degrees. It may be that it is easier to decide, in each case, what is substantially material to

the issue, or so remote in its relevancy that the time of the court should not be occupied, than to lay down by rule of law what is to be considered relevant and what not. Such rules must necessarily be somewhat refined, and, as it were, metaphysical. If it were allowed to argue the question whether any piece of evidence is, or is not, admissible under such rules, the Lieutenant-Governor would fear that the court might be lost in disputations. If, however, the rules regarding relevancy be treated as merely an authoritative treatise on evidence for the guidance of Judges, which they are to study and follow as well as they can, but that they are not bound to hear objections and arguments based upon it, the Lieutenant-Governor has no doubt that the rules in the draft are admirably suited to the purpose, and would be extremely useful. It does not seem to him very clear in the draft whether or no Counsel are to be entitled to take objection to evidence at every turn, and to argue the question as to whether it is or is not admissible under the evidence rules. It seems of great importance that this should be made clear; for if Counsel may object and argue, the Lieutenant-Governor certainly has great fear that the argumentations regarding relevancy will be endless.

“I cannot altogether agree with these remarks. As to the arguments of Counsel, I do not feel that horror of them which His Honour appears to feel. It is, I think, abundantly clear that Counsel will be permitted to argue as to the relevancy of evidence, and as to the propriety of proof, and I do not see how a law can be laid down at all upon which Counsel are never to argue. No one, I think, will seriously assert that lawyers, as a class, are an impediment to the administration of justice, or otherwise than an all-but-indispensable assistance to it; but if they are to exist at all, they must argue as well on evidence as on other subjects. I must, however, observe that every precaution has been taken to prevent useless and trifling argument. In the first place, if the Judge wishes to know about any fact the relevancy of which is under debate, he can cut the matter short by asking about it himself under section 165. In the second place, the mere admission or rejection of improper evidence is not to be a ground for a new trial or the reversal of a decision. The fact that the opposite is the rule in England is the great cause of the enormous intricacy and technicality of English law on this point. If, in the Tichborne case, one single question had been permitted after being objected to, and if the Court had afterwards been of opinion that it had been wrongly permitted; then, however trifling the matter might have been, the party whose objection had been wrongly over-ruled would have been by law entitled to a new trial, and the whole enormous expense of the first trial would have been thrown away. This never was the law in India, nor will it be so now. The result is, that the provisions about relevancy will be useful principally as guides to the Judges and the parties, and, in particular, as rules which will enable the Judge to shut out masses of irrelevant matter which the parties are very likely to wish to introduce. As to the more general question, I think that it is possible to give the true theory of the relevancy of facts, and if I thought it desirable to enter upon a very abstract matter in this place, I think I could show what this theory is, and how this Bill is founded upon it. Be this, however, as it may, and taking a view, not indeed less practical, but more immediately and obviously practical, I would make the following observations:—I am quite aware that relevancy is, as His Honour observes, a matter of degree, and for that reason the Bill gives definitions of it so wide and various, that I think they will be found to include every sort of fact which has any distinct assignable connection with any matter in issue. The sections which define relevancy are, indeed, enabling sections. Any fact which fulfils any one of the many conditions which they declare to constitute relevancy will be relevant, and most facts which have any real connection with the matter to be proved would fulfil several of them. Take, for instance, this fact—A man is charged with theft, and it is proved that he was seen running away immediately after the theft with the stolen goods in his hand. This is (1) a fact so connected with a fact in issue as to form part of the same transaction, and is therefore relevant under section 6; (2) it is the effect of a fact in issue, and is therefore relevant under section 7; (3) it is the conduct of a party to the proceeding subsequent to a fact in issue, and is so relevant under section 8; (4) it is a fact which in itself renders a fact in issue highly probable, and is therefore relevant under section 11.

This fact, therefore, is relevant under no less than four sections, each of which would admit a great number of facts which would not be admitted by the other sections. Indeed, the latitude of the definition of relevancy will be best appreciated by negating the conditions which the Act imposes. Suppose that you are able to assert of a fact that it is neither itself in issue, nor forms part of the same transaction, nor is its occasion, cause or effect, immediate or otherwise; that it shows no motive or preparation for it; that it is no part of the previous or subsequent conduct of any person connected with the matter in question; that it does not explain or introduce any fact which is so connected with the matter in question, or rebut or support any inference suggested thereby, or establish the identity of any person or thing connected with it, or fix the time of any event the time of which is important; that it is not inconsistent with any relevant fact or facts in issue; and that, neither by itself, nor in connection with other facts, does it make any such fact highly probable—if all these negatives can be affirmed, I think we may say, without much risk of error, that the one fact has nothing to do with the other, and may be regarded as irrelevant.

“I now come to a matter which has excited a good deal of discussion, though it relates to a subordinate and not very important part of the Bill—that which concerns the examination of witnesses by Counsel. The Bill as originally drawn provided, in substance, that no person should be asked a question which reflected on his character, as to matters irrelevant to the case before the Court, without written instructions; that if the Court considered the question improper, it might require the production of the instructions; and that the giving of such instructions should be an act of defamation, subject, of course, to the various rules about defamation laid down in the Penal Code. To ask such questions without instructions was to be a contempt of Court in the person asking them, but was not to be defamation.

“This proposal caused a great deal of criticism, and in particular produced memorials from the Bars of the three Presidencies. It was also objected to by most of the Local Governments to whom the Bill was referred for opinion. Some of the objections made to the proposal were, I thought, well founded. It was pointed out, in the first place, that the difficulty of obtaining the written instructions would be practically insuperable; in the next place, that the Native Bar throughout the country were already subject to forms of discipline which were practically sufficient; and, in the third place—and perhaps this was the most important argument of all—that, in this country, the administration of justice is carried on under so many difficulties, and is so frequently abused to purposes of the worst kind, that it is of the greatest importance that the characters of witnesses should be open to full inquiry. These reasons satisfied the Committee, and myself amongst the rest, that the sections proposed would be inexpedient, and others have accordingly been substituted for them which I think will in practice be found sufficient. The substituted sections are as follows:—

‘146. When a witness is cross-examined, he may, in addition to the questions herein-before referred to, be asked any questions which tend

- (1) to test his veracity;
- (2) to discover who he is and what is his position in life, or
- (3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose, or tend directly or indirectly to expose, him to a penalty or forfeiture.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the

witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations :—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witness's refusal to answer, the inference that the answer, if given, would be unfavourable.

149. No such question as is referred to in section 148 ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(a.) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(b.) A pleader is informed by a person in Court that an important witness is a dacoit. The informant, on being questioned by the pleader, gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(c.) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(d.) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakil, or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil, or attorney is subject in the exercise of his profession.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

“The object of these sections is to lay down, in the most distinct manner, the duty of Counsel of all grades in examining witnesses with a view to shaking their credit by damaging their character. I trust that this explicit statement of the principles according to which such questions ought or ought not to be asked, will be found sufficient to prevent the growth, in this country, of that which in England has on many occasions been a grave scandal. I think that the sections, as far as their substance is concerned, speak for themselves, and that they will be admitted to be sound by all honourable advocates and by the public. I cannot leave the subject without a few remarks on the memorials which the sections originally proposed have called forth from the Bar in various parts of the country. As none of the bodies in question have made any further remarks on the Bill, since it appeared in the Gazette in its amended form about a month ago, I suppose that the alterations made in the Bill have removed the main objections which they felt to it. I need not therefore notice those parts of their memorials which were directed against the consequences which they apprehended from the sections which have been given up. They contain, however, other matter which I feel compelled to notice. I need not refer to all the memorials. The one sent in by the Calcutta Bar was for the most part proper, though it contained passages which I think might as well have been omitted. The memorial of the Bombay Barristers contains similar passages, expressed more fully and less temperately, and I shall accordingly confine myself to noticing such of their remarks as appear to me to deserve notice.

"I may observe, in the first place, in general, that I have read in the newspapers and in these memorials much that can only mean that I individually was actuated in drawing this Bill by hostility to the Bar; indeed, the Bombay memorial says, in so many words, that remarks made by one member (meaning, I suppose, me) in Council 'appear to contemplate the extinction of the profession of Barrister-at-law in India.' In support of this surprising statement, they quote, as being 'open to no other construction,' the following words from the report of the Select Committee:—

'The English system, under which the Bench and Bar act together and play their respective parts independently, and the professional organization on which it rests, does not as yet exist in this country, and will not for a very long course of time be introduced.'

"Before I make the remarks which this suggests, let me ask your Lordship and the Council whether a charge that I, of all people, wish for the extinction of the profession of Barrister-at-law in India, is not upon the face of it absurd; I am myself a Barrister of eighteen years' standing, and a Queen's Counsel of four years' standing. I believe that there is no Barrister in British India of whom I should not be entitled to take precedence, professionally, if I chose to practise here; and so strong is my connection with my profession, that I am at this moment on the point of resigning one of the most responsible offices which a Barrister can hold, for the purpose of returning to the ordinary routine of professional practice. How is it possible to imagine that a man so situated should be hostile to the profession? When this Bill was introduced I was—as I still am—anxious to do whatever lies in my power to preserve the honour and dignity of my profession, and to prevent its good name from being disgraced. For this reason, I devised what I regarded as an appropriate remedy for a great and crying evil; one with which I have been much impressed by my own observation in England, and which is likely to extend in India as the habit of cross-examination becomes more general, and when the rights which a cross-examining advocate has are explicitly defined. The remedy, I will admit, was to some extent inappropriate; but for merely proposing it, for merely recognizing the existence of the evil against which it was directed, I am charged with wishing to extinguish my own profession.

"The real meaning of the expressions in the report (for which I am fully responsible) was, I think, so plain, that I cannot understand how the memorialists can have ascribed to them a sense which I think they could never suggest to any fair mind. The report said—

'The English system, under which the Bench and the Bar act together and play their respective parts independently, and the professional organization on which it rests, does not as yet exist in this country, and will not for a very long course of time be introduced.'

"Yes, say the memorialists, 'it does exist, to wit, in the Presidency towns.' This is much as if the water-works of Calcutta were referred to, to contradict a statement that India is wretchedly supplied with drinking water. I make a statement about an Empire as large as Europe without Russia, and am told that it is incorrect, because there are three English Courts, and three knots of, perhaps, a dozen or so English Barristers, to be found at towns which are in the nature of English settlements. The reason why the statement complained of was not qualified by excepting these towns and Courts was simply that the exception was not important enough to be stated. It would, indeed, have been matter of great indifference to me, personally, whether the Bill extended to the High Courts sitting on the original side or not. It is a mistake to make exceptions without a necessity for them; but the question, what rules of evidence should apply in the Presidency towns, is one of very little real importance. The great and vital importance of the matter lies in the effect which it will have on the administration of justice throughout the country at large. It is framed in order to meet the wants, and lighten the labours, of district officers, by giving them a short and clear view of a subject which has been converted into a sort of professional mystery, the knowledge of which was confined to a

knot of persons specially initiated in it. Now, as regards the Mofussil, I repeat the expressions complained of. I assert that they are absolutely true, and state a fact notorious to every one. I say that, throughout India generally, nothing like the English system under which the Bench and Bar act together and play their respective parts independently does now exist, or can for a length of time be expected to exist. Let me just re-call for a moment the nature of that system. In the first place, the Bench and the Bar in England form substantially one body. The Judges have all been Barristers, and the great prize to which the Barristers look forward is to become Judges. That is not the case in India, nor anything like it. The great mass of Indian Judges are not, and never have been, lawyers at all; the great mass of Indian lawyers have no chance or expectation of becoming Judges, and many of them have no wish to do so. Even in the Presidency towns, the whole organization of the profession differs from that of England in ways which I do not think it necessary to refer to, but which are of great importance. I may, however, observe that the position of an English Barrister who practises in the Mofussil, whether he is habitually resident in a presidency town or not, is altogether different from that of an English Barrister in his ordinary practice in England. An English Barrister on Circuit, and even at the Quarter Sessions, is subject to a whole series of professional restraints and professional rules, which do not, and cannot, apply to practice in the Mofussil in this country. He acts under the eyes of a public which takes great interest in his proceedings, and puts a powerful check upon them. He practises in important cases before Judges whom he feels and knows to be his professional superiors, and to whom he is accustomed to defer. No one of these remarks applies to a Barrister from a Presidency practising in the Mofussil. The result of this state of things must be matter of opinion. It is impossible to discuss the subject in detail. The Bombay and Calcutta memorialists consider it eminently satisfactory: let us hope they are right. My opinion, of course, is formed upon grounds which it is not very easy to assign, and, as it can be of little importance, I shall not express it. In any case this Bill can do no harm.

“Passing, however, from the case of English Barristers to the case of pleaders and vakils, and the Courts before which they practise, I would appeal to every one who has experience of the subject, whether the observations referred to are not strictly true, and whether the main provision founded upon them—the provision which empowers the Court to ask what questions it pleases—is not essential to the administration of justice here. In saying that the Bench and the Bar in England play their respective parts independently, what I mean is that, in England, cases are fully prepared for trial before they come into Court, so that the Judge has nothing to do but to sit still and weigh the evidence produced before him. In India, in an enormous mass of cases, this neither is nor can be so. It is absolutely necessary that the Judge should not only hear what is put before him by others, but that he should ascertain by his own inquiries how the facts actually stand. In order to do this, it will frequently be necessary for him to go into matters which are not themselves relevant to the matter in issue, but may lead to something that is, and it is in order to arm Judges with express authority to do this that section 165, which has been so much objected to, has been framed.

“I have now referred to the main points in the Bill which have been attacked, and as I fully explained the principles on which it was founded more than a year ago, I have only to move that it may be taken into consideration.”

The Motion was put and agreed to.

The Hon'ble MR. STEPHEN then moved the following amendments:—

That, in section 8, instead of the second paragraph, the following be substituted:—

“The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding;

is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto."

That, in section 9, line 3, after the word "which," insert the words "support or."

That, in the explanation to section 57, instead of the words "the Parliaments of the United Kingdom of Great Britain, of England, of Scotland, and of Ireland," the following be substituted:—

- "1. The Parliament of the United Kingdom of Great Britain and Ireland;
2. The Parliament of Great Britain;
3. The Parliament of England;
4. The Parliament of Scotland, and
5. The Parliament of Ireland."

That the words "or in any other case in which the Court thinks fit to dispense with it" be added to the proviso in section 66.

That the following new section be inserted after section 157:—

"158. Whenever any statement, relevant under sections 32 or 33, is proved, all matters may be proved, either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested."

And that the numbers of the subsequent sections be altered accordingly.

The Motion was put and agreed to.

HIS HONOUR THE LIEUTENANT-GOVERNOR would ask the permission of His Excellency the President to move an amendment of which he had not given notice. He would observe that the Council had had very short notice of this Bill being brought forward and passed to-day. The amendment which HIS HONOUR intended to propose was not of much importance: it was simply to lop off a dead branch of the Bill, namely, section 150.

The Hon'ble MR. STEPHEN said, that the section to which HIS Honour the Lieutenant-Governor referred was one of considerable importance, to which great weight was attached. He might say that the Council ought to have had notice of such an amendment. It was moreover a matter which would give rise to a great deal of discussion.

HIS HONOUR THE LIEUTENANT-GOVERNOR believed he was correct in saying that the Council had not had notice until yesterday or the day before that the Bill was to be brought forward. He would not have asked, at this stage, for leave to move a substantive amendment; his amendment was merely to lop off a dead branch.

HIS Excellency THE PRESIDENT thought that this was a question of great importance, and that notice should have been given of the intention to move the amendment.

HIS HONOUR THE LIEUTENANT-GOVERNOR said that, as HIS Excellency the President was of opinion that notice of the amendment should have been given, HIS HONOUR did not think that his amendment was of sufficient importance to delay the passing of the Bill.

The Hon'ble MR. COCKERELL felt very much inclined to support HIS Honour the Lieutenant-Governor in his attempt to have an amendment in the sense which HIS Honour had indicated brought forward, and thought that there were probably other members who were of the same opinion. The section which it was proposed to omit was a dead branch, which it would be very well to get rid of. MR. COCKERELL had proposed a similar amendment in Committee but had been overruled.

HIS Excellency THE PRESIDENT observed that there seemed to be a strong feeling in favour of the amendment; and although he was sorry that any further delay should occur to the inconvenience of business, he

thought that an adjournment of this Bill might, under the circumstances, be advisable.

The Hon'ble MR. STEPHEN said that, looking to the great pressure of business before the Council, he would much rather consent to the amendment being brought on at once, than that there should be an adjournment.

HIS HONOUR THE LIEUTENANT-GOVERNOR would express a strong opinion that his amendment was not of sufficient importance to call for an adjournment.

HIS EXCELLENCY THE PRESIDENT had not had an opportunity of considering the nature of the amendment which His Honour the Lieutenant-Governor wished to propose; but he would be happy to act according to the prevailing opinion of the Council. The Hon'ble Member in charge of the Bill had himself expressed a desire that the amendment should be brought on and settled to-day.

HIS HONOUR THE LIEUTENANT-GOVERNOR then moved the omission of section 150. He had already stated, in regard to the amendment, nearly all that he had to say, namely, that the section was really a dead branch, without any effect or practical meaning whatever. It would not be necessary for him, therefore, to detain the Council with many words upon the subject. It seemed to him that this section was the shadow of a real provision which had been struck out of the Bill, and which was past and gone. The Hon'ble Member in charge of the Bill had explained at considerable length, and in an extremely lucid manner, the circumstances under which a group of sections found place in the Bill, namely, sections 146 to 150. HIS HONOUR might say, broadly, that the effect of these sections, down to section 149, was to prescribe that certain questions affecting the character of witnesses might, under certain circumstances, be admitted, and that, under certain other circumstances, such questions ought not to be admitted. Well, as the Bill was originally drawn, it not only laid down what questions should be admitted and what questions should not be admitted, but another section prescribed penalties for the improper putting of such questions by advocates or other persons engaged in a case. After a great deal of discussion, he believed, these penal provisions were struck out of the Bill. The consequence was that advocates engaged in a case were subject, with regard to the putting or not putting of such questions, to no special penalties, but only to those rules which guided and governed an advocate's professional conduct in regard to these as to all other matters. Well, then, if it be, as he said, that this section provided no penalty at all, and provided no course of proceeding which the Court was not competent to take without it, it was in fact a fiction and a sham; a weak and defective compromise of a matter which had been disposed of. His Lordship and the Council were aware that, in this country, Courts of all descriptions, from the higher to the lower, were subject to the control of the highest Court: each was subject to the direct control of the Court under which it acted and by which it was supervised. No law was necessary to enable an inferior Court to report to the superior Court any matter affecting any advocate who held his license from that Court. It seemed to HIS HONOUR that this provision was much more in the nature of a section to enable a teacher to report a boy to his parents or to one who held a moral or legal control over him. The section was of no practical effect, but to some extent disfigured the Bill, as being a fictitious shadow of a reality which had passed away, and HIS HONOUR therefore proposed to omit it.

The Hon'ble MR. COCKERELL entirely agreed with what had fallen from His Honour the Lieutenant Governor, and, in his opinion, if any provision of this kind could properly find a place in a legal enactment, it should rather be in a Bill relating to pleaders, such as the Bill on that subject which was already before the Council. It seemed to him (MR. COCKERELL) entirely out of place in a Bill of this kind. He had always entertained this opinion, and pressed it in Committee, and he thought His Honour had correctly described the clause referred to as a dead branch. But as it was one which could do no harm, MR.

COCKERELL had not thought it necessary to repeat his opinion on the subject and press his views upon the Council. As, however, the matter had been taken up, he was exceedingly glad to have this opportunity of expressing his full concurrence in the Lieutenant Governor's suggestion.

The Hon'ble MR. CHAPMAN could not help thinking that the provision which His Honour the Lieutenant Governor proposed to omit was not a dead branch, but a branch which had some vitality in it. If advocates practising in the Mofussil knew that their conduct would be liable to be reported to the High Court, and thus brought to the notice of the profession, he thought this knowledge might act as a salutary check against those who were likely to abuse the liberty of the Bar.

The Hon'ble MR. ROBINSON joined entirely in the view taken by his hon'ble friend Mr. Chapman. He thought that the provision of section 150 would act as a very wholesome check upon vakils who practised in up-country Courts. They aspired to rise to the judicial service, and it was desirable that the High Court should know something of the character of the men practising in the Lower Courts, and more especially have their shortcomings brought before them. MR. ROBINSON thought that the provision which it was proposed to omit was a very good one, and he would therefore vote against the amendment.

Major General the Hon'ble H. W. NORMAN thought, on the whole, that the section should be retained; it might be the means of doing some good, and he thought it could not do any harm.

The amendment was then put and negatived.

The Hon'ble MR. STEPHEN then moved that the Bill as amended be passed. He would not trouble the Council with any further remarks.

His Honour the LIEUTENANT GOVERNOR said he would not like to let this motion pass without saying a few words; he had passed so long a portion of his life in dealing with evidence, that he hardly liked to say he was at the last moment compelled to take this Bill upon trust; but he might say that he had placed his trust in a quarter in which it could be very well placed. It was a Bill that, he believed, had received thorough consideration and thorough sifting in a most thorough and systematic manner. It was in the hands of a man who was so extremely free from antiquated prejudices and antiquated notions, that he hoped the Bill had been made as good as a Bill of this kind could be expected to be made in the hands of any man. HIS HONOUR had on a former occasion expressed his opinion against any law of evidence for this country. He had doubts whether any legal law of evidence, as distinguished from moral and metaphysical laws, was really a good thing. But at the same time he felt that things had taken that course, and the circumstances were now such that it was hopeless to avoid some law of evidence; and he hoped and believed that a law of evidence, freed from intricacies and technicalities, had this very great advantage to the Courts of the country, that it at least put them, in respect of the law, on an equal footing with the advocates practising before them. It enabled the Judge to say to the Advocate, "I am as good a man as you: if you raise a question of evidence, there is the law by which your question can be decided." It would put a stop to the practice, hitherto prevalent, of an Advocate shaking in the face of the Court a mysterious law of evidence, which was not to be found codified anywhere as substantive law, or otherwise, in any shape admitting of its being easily referred to by our Judges and judicial officers of all grades. HIS HONOUR could have wished that the Hon'ble Member in charge of the Bill had not found it necessary to tell the Council that the Bill was to a considerable extent based on *Taylor on Evidence*; because HIS HONOUR's view was that it was not desirable to take any dictionary of English law as the basis of a law of evidence in this country. If he could find any ground for objecting to any part of the Bill, it was that, in some parts, it somewhat smelt of the English law of evidence; but he hoped that most of the sting of Taylor

had been taken out of him by the Hon'ble Member in charge of the Bill, and by the Committee, in the course of their manipulations of the Bill. His HONOUR was also in one respect glad to observe that the Bill had been reconsidered, and that the result of that consideration was that it had come out of the hands of the Select Committee very much reduced in point of the metaphysics which were somewhat conspicuous in the first draft. That being so, and the Act being, as the Hon'ble Member had explained, made large and wide, and constructed in such a manner as, by many meshes, to bring into its scope almost every possible fact, he might say that he looked upon the passing of this Bill as hopefully as he would look upon the passing of any law of evidence; that he hoped for the best, and should look to the great wideness of its provisions as a means of enabling the Courts to make the best of the law. For himself, in that view, he accepted it and thanked the Hon'ble Member for it.

The Hon'ble MR. STRACHEY expressed, in a few words, his feeling, in which he was sure the Council would agree, that India owed to his hon'ble and learned friend a great debt of gratitude for this Bill, which was now about to be passed. MR. STRACHEY was confident that his hon'ble and learned friend had by this Bill conferred upon the country an important benefit, of which they would see the result hereafter in a really great improvement in the administration of justice in India. The Council had to thank Mr. Stephen for a very great deal of admirable work; and MR. STRACHEY was sure that his name would long be remembered in India through this work in particular, which was now about to be completed.

The Motion was put and agreed to.

PANJÁB MUNICIPALITIES ACT AMENDMENT BILL.

The Hon'ble MR. COCKERELL presented the Report of the Select Committee on the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities).

The Council adjourned to Tuesday, the 19th March 1872.

CALCUTTA;
The 12th March 1872.

H. S. CUNNINGHAM,
*Offg. Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.

REVENUE REPORT OF THE IRRIGATION DEPARTMENT OF THE PUNJAB
FOR 1869-70.

Nos. 227—43 I., dated 20th March 1872.

OBSERVATIONS.—By the Government of India, P. W. DEPT.

Read—

Letter from Government of the Punjab, No. 4976 I of 9th November 1871, and enclosures.

OBSERVATIONS.—The financial results of the year 1869-70 on the permanent canals were not so favourable as those of the previous year, but, owing to the larger supply brought down the several rivers, the returns from the Inundation Canals were above the average. The fall of rain, though double that of 1868-69, was still below the average. As in the North-Western Provinces, so in the Punjab, a deficiency of rain in the early part of the khurreef season led to a large increased area being irrigated at that time, and to a diminution in the rubbee crop.

2. The net result is a profit from direct income of Rs. 10,72,690 on the aggregate transactions of the year, or Rs. 19,15,133, if the indirect returns are taken into calculation, giving a percentage of Rs. 7 and 12·52, respectively, on the outlay. The aggregate profits amounted to 48·91 per cent. of the gross direct income, to 87·33 per cent. of the total income, direct and indirect.

3. The areas irrigated by the respective works amounted to 1,261,410 acres, distributed as follows :—

	Acres.
Western Jumna Canal	496,543
Baree Doab Canal	233,927
Delhi and Goorgaon Works	9,746
Inundation Canals, Upper Sutlej	148,924
Ditto, Lower ditto	243,094
Indus Canals	129,176
Total	1,261,410

Western Jumna Canal.

4. On the Western Jumna Canal the areas in the khurreef and rubbee were 234,465 and 262,078 acres, respectively, yielding a revenue of Rs. 6,46,653 and Rs. 5,53,104, or a total of Rs. 11,99,757 ; the revenue yielded by the khurreef irrigation was thus greater by Rs. 93,549 than that obtained in the rubbee.

5. The total acreage was 9,664 acres in excess of the previous year, which had been the largest up to date. The following Table exhibits the results of the operations for the past five years :—

	ACRES.	GROSS REV- ENUE.	NET DIRECT PROFIT.
		Rs.	Rs.
1865-66	397,963	4,90,468	2,37,319
1866-67	447,171	7,50,497	5,10,451
1867-68	331,037	8,66,963	5,42,973
1868-69	486,878	12,21,072	8,65,966
1869-70	496,453	12,53,012	8,75,994

The last mentioned sum is 35·82 per cent. on the capital which has been expended by the British Government in the restoration of the Western Jumna Canal.

6. The indirect revenue, amounting to Rs. 3,72,563, represents the additional land revenue derived from the irrigated lands as it stood at the last settlement, and is not credited as a Public Works receipt.

7. The areas of the principal crops irrigated under this canal are as follows :—

	1866-67.	1867-68.	1868-69.	1869-70.
	Acres.	Acres.	Acres.	Acres.
Sugar-cane	19,773	27,209	38,908	45,122
Rice	62,071	39,455	34,883	46,705
Cotton	140,796	98,800	74,912	80,093
Indigo	1,805	1,315	888	1,551
Wheat	150,233	100,937	213,226	177,900

The falling off in wheat is attributed to the very great sickness and mortality prevailing throughout the District at the time of the rubbee sowings. The increase of sugar-cane indicates growing prosperity amongst the agriculturists, while that of rice is considered to have been encouraged by the large supply carried by the canal in the khurreef.

8. The proportion of khurreef to rubbee crops was as follows :—

	KHURREEF.	RUBBEE.
1865-66	49·3	50·7
1866-67	47·2	52·7
1867-68	56·4	43·6
1868-69	40·8	59·2
1869-70	47·3	52·7

showing how nearly equal areas are irrigated in each season of the year.

9. The proportion of flow to lift was 88.58 to 11.42, a considerable improvement over last year, which showed a proportion of 69 to 31.

10. The maintenance charges per acre irrigated for the past five years have been—

Annas.

Annas.									
1865-66	...	...	...	...	...	...	...	...	10-05
1866-67	...	...	...	...	...	...	...	...	9-38
1867-68	...	...	...	...	...	...	...	...	15-64
1868-69	...	...	...	...	...	...	...	...	11-66
1869-70	...	...	...	...	...	...	...	...	11-85

and the duty obtained from a cubic foot of water during the same period—

							KHURREEF.	RUBBEE.	YEAR.
1865-66	...	...	...	...	...	...	120.8	160.6	262.0
1866-67	...	...	...	...	...	...	108.6	147.1	250.0
1867-68	...	...	...	...	...	...	96.2	7.97	176.5
1868-69	...	...	...	...	...	...	92.0	159.0	251.0
1869-70	...	...	...	...	...	...	102.0	138.0	240.0

The operations on this canal may, therefore, be said to have been very satisfactory, though an improvement may be expected in the duty per cubic foot for the rubber crops.

Baree Doab Canal.

11. The results of this canal have not been so satisfactory as in the previous year, attributable, it is stated, to the shortness of the rubber crop, which was caused partly by the necessity for closing the canal from the middle of September to the middle of October, and partly by the levy of arrears of water-advantage rate temporarily reducing the demand for irrigation.

12. The area in khurreef was 30,000 acres in excess of the previous year, the largest on record, and the current expenses have been Rs. 59,400 less, notwithstanding an exceptionally heavy expenditure on masonry works caused by heavy floods in the Ravee.

13. The reduction in the current charges may be considered satisfactory so far as they go. The net return for the year has, however, been only 2·86 per cent. from direct income, and 3·91 from direct and indirect combined.

14. The levy of the water-advantage rate on the upper lands of the canal seems to have affected the demand for irrigation; but this may prove to be directly beneficial to the country rather than otherwise, by allowing the lands lower down, where irrigation is more needed, to receive a larger supply.

15. The gross revenue earned by the Baree Doab Canal for the past five years has been as follows :—

								Rs.
1865-66	...	...	...	...	...	...	...	4,25,256
1866-67	...	...	...	...	...	...	...	5,54,910
1867-68	...	...	...	...	...	...	...	6,24,654
1868-69	...	...	...	...	...	...	...	7,06,324
1869-70	...	...	...	...	...	...	...	6,85,439

16. The acreage irrigated and the net direct returns during the same period—

								ACRES.	REVENUE.
									Rs.
1865-66	...	...	...	...	...	...	...	175,979	1,12,535
1866-67	...	...	...	...	...	...	...	228,427	2,67,646
1867-68	...	...	...	...	...	...	...	262,455	2,69,166
1868-69	...	...	...	...	...	...	...	299,835	3,73,527
1869-70	...	...	...	...	...	...	...	233,927	3,36,863

17. The rates for maintenance, notwithstanding the diminution in the charges noted above, still remains high, being at the rate of 23·84 annas per acre, and show that efforts must be made to reduce these charges still further.

18. The duty obtained from the water has been—

								KHURREEF.	RUBBEE.	YEAR.
1865-66	...	...	...	...	...	...	...	57·94	111·76	169·7
1866-67	...	...	...	...	...	...	...	54·51	92·53	147·04
1867-68	...	...	...	...	...	...	...	56·9	122·0	166·0
1868-69	...	...	...	...	...	...	...	53·6	138·2	190·7
1869-70	...	...	...	...	...	...	...	67·4	90·6	158·0

Thus showing that, while an increase of duty was obtained in the khurreef, a decrease took place in the rubbee.

19. The total areas watered during the respective seasons amounted to in—

								Acres.
Khurreef	...	...	...	...	...	...	...	115,523
Rubbee	...	...	...	...	...	...	...	118,402

and the principal crops raised during the past five years have been as follows :—

								1865-66.	1866-67	1867-68.	1868-69.	1869-70.
								Acres.	Acres.	Acres.	Acres.	Acres.
Sugar-cane	...	...	...	...	...	...	...	9,181	9,156	10,600	9,811	11,623
Rice	...	...	...	...	...	...	...	53,584	57,615	63,961	41,256	76,708
Cotton	...	...	...	...	...	...	...	5,236	12,500	21,101	8,205	11,671
Wheat	...	...	...	...	...	...	...	59,827	108,707	122,720	175,609	87,398

The decrease in the wheat crop is very marked, but as it is the staple of the country, it will no doubt again rise to the former standard. The area irrigated per cubic foot shows that a large increase of revenue might be obtained without any increased supply of water for the rubbee crops. But unless such an increased supply can be obtained, it is mainly to the extension of the khurreef irrigation that increased returns from this canal must be derived, as during the khurreef an abundant supply may always be relied upon. Out of the total value of crops raised, amounting, according to the estimate, to Rs. 1,15,75,750, the khurreef crops are valued at Rs. 70,02,479, or more than one-half, while the water-rate in each season was nearly equal, being Rs. 2,75,361 and Rs. 2,76,285, respectively. The extension of the Kusoor and Sobraon branches of this canal, by conveying an increased khurreef supply, will, it is hoped, secure a still further distribution of the water to lands not hitherto reached, and so produce a correspondingly increased return.

INUNDATION CANALS.

Upper Sutlej Division.

20. The results of the year's operations are more satisfactory as regards irrigation than have been obtained for some years past, as appear from the following statement of the irrigated areas :—

									Acres.
1866-67	...	...	...	...	...	...	...	...	51,675
1867-68	...	...	...	...	...	...	...	...	78,248
1868-69	...	...	...	...	...	...	...	...	66,584
1869-70	...	...	...	...	...	...	...	...	148,796

This large increase is mainly owing to the river freshes having commenced early and remained at a high level unusually late, but the Chief Engineer adds that much also is due to the Executive Engineer's exertions in effecting an equable distribution of the available water.

21. It is difficult to obtain with any exactness the duty performed by the water in these canals, but so far as can be calculated, it appears to vary between 41 and 53 acres per cubic foot during the khurreef. The water-rate which is levied from these Inundation Canals should be considered rather as a maintenance rate, than anything else. Properly speaking, the entire revenue raised from the land is that due to the irrigation, as the rain-fall is wholly inadequate to admit of any crop whatever being grown in dependence on it, so that, without the canals, the country would be deserted. Until the Revenue Settlement now in progress is completed, it is impossible to show in figures the proper returns from these canals, the actual water-rate charged being only 8 annas 4 pie per acre.

Lower Sutlej and Chenab.

22. The areas irrigated during the past five years have been—

									Acres.
1865-66	...	...	...	...	...	...	...	...	102,044
1866-67	...	...	...	...	...	...	...	...	119,897
1867-68	...	...	...	...	...	...	...	...	165,820
1868-69	...	...	...	...	...	...	...	...	199,463
1869-70	...	...	...	...	...	...	...	...	243,094

from which table it appears that the area was larger by 43,631 acres than in the previous year. The largest increases were in wheat and millet, while indigo, though above that of previous years, shows a considerable decrease.

23. The proportion of flow to lift irrigation was 78·25 to 21·75, against 80·69 to 19·31 in the previous year. The value of the produce raised by these canals is estimated at somewhat over half a million sterling, the principal crops irrigated having been—

	1866-67.	1867-68.	1868-69.	1869-70.
	Acres.	Acres.	Acres.	Acres.
Indigo	37,320	37,631	60,076	43,728
Cotton	24,980	20,172	19,905	25,996
Sugar-cane	3,207	3,422	3,330	3,373
Millet	37,307	43,993	46,289	63,459
Rice	4,839	6,464	8,757	10,155
Wheat	...	25,059	15,424	36,198
Turnips	...	...	10,638	15,650

Indus Canals.

24. The area irrigated during the year under review was greater by 22,017 acres than in the previous year, but not equal to that obtained in 1867. The following is a comparison of the average of the principal crops for four years:—

	1866-67.	1867-68.	1868-69.	1869-70.
	Acres.	Acres.	Acres.	Acres.
Millet	61,163	59,752	40,107	52,925
Wheat	...	41,229	20,764	25,420
Cotton	22,555	28,361	16,644	21,926
Indigo	12,105	18,185	17,810	12,955
Rice	15,533	11,252	8,231	7,628

25. The rain-fall varied from 3·96 in Jounpoor, which is situated in the centre of the irrigated tract, to 10·85 in Dera Ghazee Khan.

26. The total area of the District amounts to 1,484,332 acres; of this, 468,546 is unculturable, and of the remaining 1,015,786, one-half, or 478,393 acres, are under cultivation. The soil is said not to be rich, and is generally allowed to lie fallow.

If such be necessary, the inference drawn by the Superintending Engineer, that the means of irrigation is only one-third of what it should be to allow of the whole area being cultivated, does not seem to be quite correct.

27. The Reports of the several Officers have been prepared with great care, but some of the Tabular Statements might still be curtailed with advantage. However useful they may be to the local Officers, it seems scarcely necessary to encumber the Report to the Government of India with them. This remark applies more particularly to the elaborate tables prepared for the Delhi and Goorgaon works, which are very small and unimportant. It was remarked by the Government of India in the Review of the Report for 1868-69, that Statements Nos. 7, 8, 9, 10, and 11 might be omitted in future, but they still find a place in the present Report.

28. It is to be regretted that this Report has been received so long after it was due, as much of the interest attaching to it is thereby lost. And the receipt has been delayed to a period that has made it difficult for the Government of India to enter promptly upon its review.

ORDER.—Ordered, that copies of the Observations and of the Report be forwarded to the Secretary of State, the Financial Department, and the Department of Agriculture, Revenue and Commerce, for information. Also that the Observations be communicated to the several Local Governments and Administrations in the Public Works Department, Irrigation Branch, for information, and to the Home Department for publication as a supplement to the *India Gazette*.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

COMBINED STATEMENT OF THE QUANTITY OF MAUNDS OF SALT IMPORTED,
AND THE AMOUNT OF DUTY REALIZED IN THE WHOLE BENGAL
PRESIDENCY DURING THE ELEVEN MONTHS, APRIL TO
FEBRUARY, OF THE YEARS 1867-68 TO 1871-72.

1867-68.					
BENGAL		INLAND CUSTOMS.		TOTAL.	
Quantity.	Duty.	Quantity.	Duty.	Quantity.	Duty.
7,064,455	2,29,59,479	4,364,327	1,24,22,503	11,428,782	3,53,81,982
1868-69.					
6,751,212	2,19,41,439	4,542,369	1,29,04,000	11,293,581	3,48,45,439
1869-70.					
7,242,617	2,35,38,505	4,685,193	1,32,48,597	11,927,810	3,67,87,102
1870-71.					
7,525,851	2,44,59,016	4,504,236	1,25,02,423	12,030,087	3,69,61,439
1871-72.					
7,375,662	2,39,70,905	4,391,063	1,22,17,945	11,766,725	3,61,88,850

GOVERNMENT OF INDIA.
DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS.

GENERAL REMARKS.—Except in the Panjáb, where there has been a rainfall varying from a slight shower in Multán to an inch and a half in Báwal Pindí, the fortnight has been one of uninterrupted fine weather. This state of things has been favorable to the getting in of the harvest, an operation which has been going on generally in Bombay, Sindh, the Central Provinces, the Berars, the lower portion of the North-Western Provinces, Oudh, and Bihár, and which in many districts has been completed. As far, therefore, as these tracts are concerned, the fortnight has merely tended to realise estimates already made with tolerable certainty. The prices of bájra in Khándesh, Násik, and parts of the Bombay Deccan shew where the harvest has been short, and the want of timely rain is making itself felt more and more in Mhairwara and the Berars. In the upper districts of the North-Western Provinces, in Bengal Proper, and in the Panjáb prospects are good. In Mysor rain is wanted for the hot-weather crops. In Madras things continue unchanged, prices remaining steady and public health good in the northern coast districts, where the want of earlier rain was felt.

Presidency or Province.	District.	Date of District Report.	Rainfall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
MADRAS	Ganjam	March 27	...	March 28	Slight partial rain; prices steady; market well supplied by importation; health good; murrain decreasing.	The condition of the Presidency is unchanged.
	Vizagapatam	"	Nil	"	Prices steady; market well supplied by importation; health good generally; pasture scanty; water-supply diminishing.	
	Godávári	" 25	Nil	"	Prices steady; market well supplied; health good.	
	Krishna	" 27	Nil	"	Prices tending to rise; market well supplied; pasture scanty.	
	Karnul	"	Nil	"	Water-supply diminishing; prices steady; crops in good order; pasture sufficient; health fairly good.	
	Nágapatam	"	Nil	"	Prices steady.	
	Trichinápalli	"	Nil	March 28	Prices steady; harvest below the average; crops in fair order.	
	Calicut	" 26	Nil	"	Prices low and steady; health fairly good.	

BOMBAY	Sindh	March 27	March 28		
Guzarát	...	...	...	...	Reaping of rabi general; cotton-picking completed. In Karáchi wheat twelve sers, rice eight; in Shikárpur wheat sixteen and in Upper Frontier ten.
	...	...	...	...	Reaping of late crops going on in Kaira; finished in Broach. In Ahmadábád wheat eleven, bájri fourteen and a half; in Kaira bájri fourteen, and in Broach thirteen; in Súrát wheat seven and a half.
	...	...	...	...	Grain and cotton prospects unfavorable; in Násik water scarce, bájri eleven and a quarter. In Khándesh bájri fourteen.
	...	...	...	...	Harvest completed. In Púna bájri ten, and in Ahmadnagar ten and decimal seven; in Sholapur jawári seventeen and three-quarters.
Khándesh and Násik	...	...	...	...	Late crops reaped; cotton almost picked; prospects good in Bilgáon, middling in Dhárwár, and unfavorable in Kaladghi.
	...	...	...	...	In Bilgáon jawári seventeen and a half, Kaladghi sixteen, and Dhárwár twenty-four.
	...	...	...	...	NOTE.—Prices of grain per rupee are given in sers.
	...	...	...	...	Weather seasonable; crops very good.
Southern Mahratha Country	...	...	...	...	Dry and hot; almost all crops off the ground; Mohwa in Godda promises well.
	...	...	...	...	Fair and dry; the greater part of the rabi crops being gathered; they have grown well. Indigo is being sown.
	...	...	...	...	Temperature fair and warm; rain wanted; spring crop being reaped; will be a full one.
	...	...	...	...	In Dinájpúr mustard scanty.
Bhágálpur Division	...	...	...	...	Hot and dry; spring crops favorable. In Birbhúm not more than three-fourths outturn.
	...	...	...	...	Fair and dry; crops good.
	...	...	...	...	There has been a little rain; but more is wanted. Prospects of crops continue good.
	...	...	...	...	Hot; crops good.
Sonthal Parganas	...	...	...	...	No rainfall; prospects of crops good. In Puri some improvement; in Sathpara and Páricud. In Malud and Bajrakat relief works going on.
	...	...	...	...	Dry and clear; prospects of crops fair.
	...	...	...	...	Weather variable; state of crops satisfactory.
	...	...	...	...	Fair; crops good; none on the ground in the Garro Hills and Darjiling.
Patna Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Rájsháhi Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Bardwán Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Presidency Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Dacca Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Chittagong Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Cattack Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Chota Nagpur Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Assam Division	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
Kuch-Behar	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...
	...	...	...	...	...

BENGAL

Presidency or Province.	District.	Date of District Report.	Rainfall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
N. W. PROVINCES	Allahabad ...	March 27	Nil	March 28	Weather excellent as before; harvest reported good in all quarters; the reaping half over in Benares and Allahabad.	Harvest prospects generally favorable.
	Delhi Ambála	March 27	Nil	March 28	Crops doing well; weather rather warm. Good.	
	Jalandhar	"	1	"	Crops good.	
	Lahor	"	1.35	"	Crops good on irrigated, but bad on unirrigated land.	
PANJÁB	Multán	"	.5	"	Slight fall in Multán and Lodhrán Tahsils; two-tenths in Serai Sidhu; crops improving.	Harvest prospects generally favorable.
	Ráwal Pindí	"	1.5	"	Good.	
	Pesháwar	"	1.4	"	Good.	
	Lucknow	March 27	Nil	March 28	Barley being harvested; wheat in some parts light; prospects favorable.	
OUDE	Faizábád	"	Nil	"	All rabi crops cut; hot season has set in; prices steady.	Harvest prospects generally favorable.
	Nágpur	March 27	Nil	March 28	All crops gathered.	
	Wardha	"	Nil	"	Rabi crops have suffered from unseasonable rain which fell early in March.	
	Jabalpur	"	Nil	"	Yield of wheat below the average from blight.	
CENTRAL PROVINCES	Ságar and Damoh	"	"	"	Prospects favorable.	Harvest prospects generally favorable.
	Sioní and Mandla	"	Nil	"	Wheat yield not above an unusually bad season.	
	Hoshangábád	"	"	"	Harvest average.	
	Chhindwára	"	"	"	Harvest above three-fourths.	
HAIDARÁBÁD DISTRICTS	Betul	"	"	"	Prospects favorable.	Harvest prospects generally favorable.
	Narsinghpur	"	"	"	Rabi not favorable; wheat and gram being harvested.	
	Nimár	"	"	"	No report received.	
	Raipur	March 28	"	March 28	Want of water becoming more and more sensibly felt in several parts of the division. Public health good.	
HAIDARÁBÁD DISTRICTS	East Berar	"	"	"	Harvest now over; want of forage and water is causing serious distress.	Harvest prospects generally favorable.
	West Berar	"	"	"		

Province	District	Date	Remarks
RAJPUTANA	Sirohi	March 28	Same as last fortnight; further reports not received.
	Mārwar	...	...
	Dholi	March 28	...
	Kotta	March 28	...
	Jhalawar	March 28	...
CENTRAL INDIA	Meywar	March 28	Scarcity of water increasing; crops being reaped; outturn very poor.
	Jaipur	March 28	Crops favorable.
	Ajmer	March 28	Crop prospects satisfactory.
	Mhairwara	March 28	People aided by famine labor; crops very scanty.
	Indor	March 28	Opium nearly all in; a bumper crop; rabi crops good.
MYSORE	Ratlam	March 27	Opium and wheat crops unusually good.
	Baghelkhand	March 27	Only a few drops of rain at Satna on the 16th; prospects of crops good.
	Gwalior	March 27	No report.
	Bangalore	March 27	The hot-weather paddy and sugarcane crops continue to look somewhat parched in some places for want of water.
	Mysor	March 26	Cotton, sugarcane, mulberry, and hot-weather paddy crops thriving; murrain among cattle in Malavali Taluk.
BRITISH BURMA	Khurg	March 27	Threshing of paddy nearly completed; cultivation of dry crops stopped for want of rain, which is also much needed for coffee and cardamoms.
	...	March 28	No crops.



SUPPLEMENT TO
The Gazette of India.

CALCUTTA, SATURDAY, APRIL 6, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or ten Rupees eight annas if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.

**ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR
 GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING
 LAWS AND REGULATIONS UNDER THE PROVISIONS OF
 THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.**

The Council met at Government House on Tuesday, the 19th March 1872.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K. T., *presiding*.
 His Excellency the Commander-in-Chief, G. C. B., G. C. S. I.
 The Hon'ble John Strachey.
 The Hon'ble Sir Richard Temple, K. C. S. I.
 The Hon'ble J. Fitzjames Stephen, Q. C.
 The Hon'ble B. H. Ellis.
 Major General the Hon'ble H. W. Norman, C. B.
 The Hon'ble J. F. D. Inglis.
 The Hon'ble W. Robinson, C. S. I.
 The Hon'ble F. S. Chapman.
 The Hon'ble R. Stewart.
 The Hon'ble J. R. Bullen Smith.
 The Hon'ble F. R. Cockerell.

INDIAN CHRISTIAN MARRIAGE BILL.

The Hon'ble MR. COCKERELL presented the Report of the Select Committee on the Bill to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian Religion.

PRIVY COUNCIL APPEALS BILL.

The Hon'ble MR. COCKERELL also introduced the Bill to consolidate and amend the law relating to the admission of appeals to Her Majesty in Council from judgments and orders of the Civil Courts. He said that the only alteration of the substance of the present law, provided for by this Bill, was

the substitution of the Court of final jurisdiction in India under the law for the time being in force relating to appeals, for the highest Civil Appellate Court, an alteration which, as he had explained when asking for leave to introduce the Bill, had been rendered necessary owing to the modifications of the previously obtaining appellate system introduced by the Oudh Courts Act.

On the occasion to which he referred, the Lieutenant-Governor of Bengal had expressed his desire that the present Bill would provide for something more than the consolidation of the existing law; that it would, in short, do something towards mitigating, if not eradicating, the great evil of the present procedure in regard to these appeals, which, as His Honour described it, "enabled a rich man to hang up the decree of a poor man for years and years."

MR. COCKERELL presumed that His Honour's remarks had reference to the rule under which a person against whom a decree had been obtained, and who desired to appeal to Her Majesty in Council, could stave off the execution of the adverse decree, pending the result of his appeal, by giving such security as might be demanded from him by the Court which admitted the appeal.

If so, MR. COCKERELL could only say that the instructions under which this Bill was prepared authorized no change of the law in that direction; but should the Bill be referred to a Select Committee, he apprehended there would be no difficulty in the way of giving effect to His Honour's proposal to such an extent as, upon a full consideration of the circumstances of the case, and after consultation with the several High Courts, might be thought expedient.

MORTGAGE PROCEDURE BILL.

The Hon'ble MR. COCKERELL then introduced the Bill to consolidate and amend the law relating to mortgage procedure. He said that its proposed modification of the existing procedure in regard to the foreclosure of mortgages consisted of the substitution of a right to sue for foreclosure, on or after the expiration of the period within which the loan obtained in consideration of the mortgage was to be repaid, for the issue of notice to the mortgagor, prescribed by the Bengal Regulation XVII of 1806.

Under the Bill, as under the English law, proceedings to obtain foreclosure would commence with a suit, but without prejudice to the one year of grace to which the mortgagor was entitled, for the preservation of his right of redemption, under the existing system, as a decree of foreclosure could only become absolute in the event of the amount found to be due by the mortgagor not being repaid within one year from the date on which he received notice of the institution of the suit. Under the procedure of the English law, a decree of foreclosure became final on the non-payment, within six months from the date thereof, of the amount declared to be due from the mortgagor by the conditional decree.

Whilst, therefore, the Bill in no way deprived the mortgagor of the privilege which the Bengal Regulation was designed to bestow upon him, it went far to remove the abuse of this privilege to which the system prescribed by the Regulation had led, and to place the mortgagee in nearly as favourable a position for the recovery of his just rights as he would be under the procedure of the English law.

The Bill, in its present shape, contained no provision similar to that of the English law, for the Court's decreeing the sale of the mortgaged property in satisfaction of so much of the mortgagor's debts as might remain unpaid on the date on which the decree became absolute.

If the Bill was referred to a Select Committee, such a further emendation of the existing procedure might advantageously be taken into consideration.

When the subject was last before the Council, something was said as to the expediency of proceeding very cautiously in the relaxation of measures adopted for the special protection of the mortgagors of land.

To this MR. COCKERELL would observe that it should be remembered that these special protective measures had no origin in any law or custom anterior to British rule. They were created solely by the Bengal Regulation and had reference to a state of things which did not exist at the present time.

The Hon'ble MR. BULLEN SMITH said :—"MY LORD, I readily admit that the Bill which my hon'ble friend has just introduced is an improvement upon the existing state of things, but I desire at once and thus publicly to express my hope that the Committee to whom the Bill is to be referred will not, without very full consideration and proof of necessity, retain the period which must elapse before a mortgagee can enter upon his security at one year—a time which seems to me excessive and unnecessary. When last speaking on this subject, I mentioned that existing Regulations as to mortgage procedure seemed to have been framed entirely in the interest and for the protection of the mortgagor, entirely oblivious of the rights of the mortgagee, and the protection to which he also is entitled. This was probably due to an idea that the lender of money was at same time and always a would-be possessor; that he did not lend as a mere investment or employment of his money, but that there was, behind, a determination, at all costs and by any means, to oust the mortgagor whom he had got into his power, and enter himself upon possession of the property. A similar feeling seems very much to run through the papers which have been circulated to the Council; but I consider it to be entirely erroneous, and believe there are numbers of mortgagees whose sole object in foreclosing is to get back their money without a thought of themselves retaining the property. I freely admit that all due precautions must be taken in the transfer of real property in a country like this, where its possession is held so sacred and valuable; but I really cannot see why, in the case where a man has entered into a formal covenant to repay certain monies on a certain day, he should, in the event of his not fulfilling that covenant, be allowed a whole year's grace, during which time his creditor may have to sit with folded arms and see his security depreciating before his eyes. I trust this matter of the length of time to be allowed will receive the utmost consideration at the hands of the Committee."

The Hon'ble MR. STEPHEN had but one single observation to add to what had fallen from the hon'ble member in charge of the Bill. It was proposed that the Select Committee on the Bill should be instructed to report in one month. It was obvious that that instruction could not be complied with, and that, in point of fact, the Bill would remain before the Council for some length of time. Ample time would thus be afforded for obtaining the opinions of the local authorities interested in the measure, and MR. STEPHEN had no doubt that the consequence would be that the important question raised by his hon'ble friend, Mr. Bullen Smith, would receive all the attention it deserved. MR. STEPHEN would observe that both this Bill and another which his hon'ble friend, Mr. Cockerell, had introduced to-day were introduced for the purpose of being deliberately considered in the hot weather, and that the instruction to report within a month was purely a matter of form.

PANJÁB MUNICIPALITIES ACT AMENDMENT BILL.

The Hon'ble MR. COCKERELL also moved that the Report of the Select Committee on the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities) be taken into consideration. He said that the Bill as amended by the Select Committee provided for the revival of Act XV of 1867 with retrospective effect from the last day of February, the date on which it expired, and for its continuation, but without any of the originally proposed additions or alterations, for the space of one year, that was, until the 1st March 1873.

The retrospective effect gave validity to all proceedings and acts which might have been had or done under the provisions of that Act since the date on which it ceased to have legal operation, and virtually conveyed a personal indemnity to public officers who might have been acting without legal warrant.

Legislation to this extent was unquestionably necessary, but under all the circumstances of the case—circumstances which were entered into at some length on a former occasion, and on which he need not dwell now—it was deemed inexpedient to submit to the Council at this time a less restricted measure.

If the Bill was passed in its present form, all that was needful would be attained. Existing municipal arrangements could be carried on, and sufficient time would be gained for the preparation by the local authorities, and eventual submission to this Council, of a matured scheme of municipal administration adapted to the circumstances and requirements of the Panjáb at the present time, and in harmony with the principles which had regulated the legislation on this subject for other provinces.

The Hon'ble MR. STEPHEN wished to make some observations upon this matter. He had signed the Report of the Select Committee, and had so far given his assent to the passing of the Bill in its present form; but he had done so with some hesitation, and had a right to remark upon the circumstances of the case. He need not repeat what he had said when this subject was last under discussion, but he wished to point out, in confirmation of what he had before stated as to limiting the operation of the Act to one year, that a telegram had been received from the Panjáb Government remonstrating very strongly against the Act being revived for so short a period, and urging very earnestly that the Act should be prolonged for a period of five years. The Local Government referred to the extreme inconvenience of rendering uncertain the operation of the various public works which had been undertaken by the municipalities; and they also stated, in reference to the remarks that had been made, that there had just been published, in the *Panjáb Gazette*, a full statement of the income and expenditure of every municipality in operation. The principles which governed their taxation had in every single instance been approved by the Government of India, and they therefore felt that the remarks made on the manner in which the municipalities in the Panjáb had been administered were unjust. MR. STEPHEN had been induced to give his vote in favour of the present Bill on this ground, and on this ground only, that, when the Council re-assembled at Simla, it would have the advantage of the assistance of the local authorities, and the presence of the Lieutenant-Governor of the Panjáb, who would take his seat as an *ex-officio* Member of the Council. It would therefore be in His Honour's power to lay before the Council any amended measure on the subject which he might think right. Had it not been for that consideration, which had been suggested by his hon'ble colleague, Mr. Ellis, at the last meeting, MR. STEPHEN would have felt unable to agree to the Bill in its present form. But under the circumstances he had stated, he did not think it would do any serious harm.

The Motion was put and agreed to.

The Hon'ble MR. COCKERELL then moved that the Bill as amended be passed.

The Motion was put and agreed to.

PATTERNS AND DESIGNS BILL.

The Hon'ble MR. STEWART introduced the Bill for the protection of Patterns and Designs, and moved that it be referred to a Select Committee with instructions to report in a week. When he obtained leave to introduce this Bill, he had endeavoured to explain briefly its principle and aims, and it was unnecessary that he should now take up much of the time of the Council. The Bill proposed to provide for the case of local inventors and proprietors of designs, by adding patterns and designs to the inventions coming within the scope of Act XV of 1859, and by conferring rights and privileges upon such persons analogous to those which were enjoyed in England by persons who there registered their designs. The Bill provided for the case of designs

registered in England by authorizing the enforcement in the Indian Courts of the rights conferred by the existing English statutes. He would just add that, though, in view of the desirability of the Bill being disposed of at as early a date as possible, he moved that it be referred to a Select Committee with instructions to report in a week, he did not intend to ask the Council to deal finally with the measure until the Bill had been published in the Gazette in order to elicit remarks from those interested in the measure.

The Motion was put and agreed to.

HIGH COURT JURISDICTION (SIND) BILL.

The Hon'ble MR. CHAPMAN presented the Report of the Select Committee on the Bill to remove doubts as to the jurisdiction of the High Court over the Province of Sind.

NATIVE MARRIAGE BILL.

The Hon'ble MR. STEPHEN reminded the Council that the adjourned debate on the Bill to legalize marriages between certain Natives of India not professing the Christian Religion stood in the List of Business to be resumed. The Hon'ble Mr. Inglis had put upon the paper certain amendments which he would now move.

The Hon'ble MR. INGLIS then moved the following amendments:—

That, in lieu of the preamble to the Bill as it stands at present, the following be substituted:—

“Whereas it is expedient to provide a civil form of marriage for certain members of the Bráhma Samája; It is hereby enacted as follows:—”

And that the Bill be referred back to the Select Committee with instructions to make the necessary alterations in the body of the Bill, and to report in a week.

He said that, when about to discuss the provisions of a Bill calculated, as this was, to affect very seriously the domestic life and social institutions of all classes of our Native fellow-subjects, it was impossible not to feel very strongly the disadvantages the Council laboured under from there being no Native members present, to assist them with their advice, or to inform them of the feeling of the Native public.

In the absence of such assistance, the best means of ascertaining the light in which a measure such as this was regarded by the Native public, was from the petitions presented to this Council: as the subject with which this Bill dealt was one on which the opinion of the people was of the utmost value and importance, and was, moreover, one on which they had a right to be heard, he would confine himself to reading out some short extracts from a few of the numerous petitions which had been received, which showed very clearly that the Bill was regarded by all classes of the community throughout the country, Hindús and Muham-madans alike, with dislike and apprehension.

The first extracts he would read were from letters from some Native gentlemen of the Madras Presidency, men of evident ability and all holding high appointments under that Government.

The Hon'ble V. Ramiengar, c. s. i., Additional Member of the Council of the Government of Fort Saint George, in a letter, dated 28th February 1872, to the Chief Secretary of the Madras Government, said—

“It (the Bill) appears to me to differ little from Sir Henry Sumner Maine's Bill, so universally condemned and withdrawn. There are hundreds of young men who may not wish to become Bráhmos, but who would still be eager to avail themselves of the license afforded by this Marriage Bill to contract marriages according to their own individual fancies. Nothing will be easier than for one of them to appear before a Registrar whom he does not know, who does not know him, and who will hardly have any position as an official, subscribe before him the formula required by the Act, and get the hand of the girl of his choice. This done, there will be nothing to prevent such a person (except when he has married an outcast) from going back to his parents, or his being received as a penitent sinner, to live thenceforward, to all

appearance, as an orthodox Hindú. If the Bill, on becoming law in its present shape, is calculated to have this effect (and I firmly believe it will have that effect), would it not, I ask, change very deeply the Native law upon marriage? Would it not destroy the integrity of that sacred institution, and introduce into it the European conception of marriage? Would it not be tantamount to saying to the Hindús, 'You are at liberty to play fast and loose with your law and religion; you shall, if you please, be at one and the same time a Hindú and not a Hindú?' Would it not, at all events, offer to the young men of the country a premium to break off from their families and set aside those wholesome restraints imposed by their social usages, simply for the sake of contracting marriages on which they were bent?"

After pointing out some objections in detail he said—

"The fourth clause of section one is also, in my opinion, open to exception, in that it seems to afford an unnecessary and wholly uncalled-for license to parties wishing to marry under the Act to break off from those social restraints which, according to the Hon'ble Mr. Stephen, 'provide safeguards against misconduct which it will be mischievous in the highest degree to sweep away as so much rubbish.' The portion of the clause to which I allude is that wherein it is laid down that 'no law or custom, other than one relating to consanguinity or affinity, shall prevent them (the parties) from marrying.' This will be regarded as an invitation to a Bráhma to marry a Pariah girl; to a Mudali, Chetty, or Pariah, to seek the hand of a Bráhma girl; and, in fact, it has already been said that it is tantamount to telling young India—'Do you set at defiance your social customs and usages and your institution of caste, and we shall be ready to stand by you and support you with all the strength of the strong arm of the law?'"

and after some further remarks he concluded by saying—

"I fear the tendency of the Bill, as it stands, is anything but wholesome. Western ideas and Western civilization are producing a ferment in the surface of Native society which must bear its fruit in time. But to hasten on such changes by legislative action seems to me to be highly inexpedient and impolitic. It is the opinion of all those with whom I have had an opportunity of discussing the subject that the Bill, if passed into law, is calculated to promote irreligion and libertinism, and to aim a blow at those social usages and customs which at present bind Native society together."

A. Sashiah Sastri, the head sarishtadár of the Madras Revenue Board, in a letter, dated 12th February 1872, to the Chief Secretary, Madras Government, said—

* * * * *

"2. I am still of opinion that, in the anomalous relation in which the rulers stand to the ruled in this country, it is highly injudicious on the part of Government to undertake to legislate on matters connected with the social and religious movement of the people.

"3. The Hon'ble Mr. Stephen has conclusively shown that the state of the law as regards the validity of marriages contracted otherwise than in the orthodox form, is by no means what Mr. Cowie has stated it to be, and that, if the case of a Bráhma marriage was contested and came up before a Court of civil justice, the decision would be according to the rule of equity and good conscience. It need scarcely be doubted in the present day what such a decision would be. The Bráhmos are thus by no means without a remedy at law.

"4. The policy of Government has hitherto been studiously to avoid identifying themselves with any movement of social or religious reform; to leave such movements to develop themselves and take their own course; and, when a certain state of things has been firmly established, to recognize it in the administration of law to such extent as may be found necessary for the ends of equity and justice.

* * * * *

"7. The question is repeatedly asked, what do the orthodox people care about a law which concerns only those who renounce the orthodox religion? Those who put this question seem to forget the fact that it is the children of the orthodox who go to swell the ranks of the seceders, and that a law which facilitates, nay aids and abets, their children to swerve from the paths of their forefathers is a subject in which they are, and must be, deeply and painfully interested."

J. Vyjia Ragavulu Chetti Gáru, First Assistant, Government Secretariat, Madras, in a letter to the Chief Secretary, Fort St. George, dated 12th February 1872, said—

* * * * *

"5. The Bill first proposed in general terms was rejected as having been very unpopular, and another for Bráhmos alone put in. But as the Adi Bráhma Samája objected to the latter, the old Bill is revived with certain alterations which do not in the least diminish the probable injurious effect on the community at large. The alleged grievance of the Adi Bráhma Samája should have been met by introducing into the second Bill the denomination of the Progressive

Bráhmists, by which they distinguish themselves, instead of dragging in the whole body of the Native community. My European and Native friends who know me are aware that I do not oppose desirable and gradual (not forced) changes for the better in either Hindú society or religion; but I consider it the duty of every Native respectfully and constitutionally to object to a law which gives facilities to unthinking young men to declare themselves, on the impulse arising at some unfortunate moment, as having renounced the religious communion in which they were born and have been bred; or, in other words, to make themselves nothing, or, in reality, to make themselves atheists. It is the duty of every man, of whatever religion, to correct this evil; but the Bill in its present form will only tend to aggravate it. A declaratory Act legalizing marriages among the Progressive Bráhmists, with a section that the Governor General in Council shall have the power by a notification to extend it to other sects of the Native community who may seek relief, will be sufficient to meet the requirements of the present case, if legislation is at all necessary. Such a course will avoid the Statute-book becoming 'a regular jungle of Marriage Acts,' if the formation of separate sects does at all become frequent, which is extremely improbable, and will prevent much heart-burning and scandal.

"6. The amount of opposition to this Bill in its present form is not to be judged by the few petitions or letters submitted to Government. The masses do not begin to feel the effects of legislation before the tax-gatherer is at their doors or the law actually affects them. The present Bill, if passed into law, will create, I do not hesitate to say, much heart-burning and scandal in many families in course of time."

T. Muthuswami Aiyár, Judge of the Small Cause Court, Madras, in a letter dated 15th February 1872, to the Chief Secretary to Government, said—

* * * * *

"3. Again, granting that to say that the Bill is superfluous is no serious objection against it, and that it is desirable, if not necessary, to remove a doubt which, however unfounded, is still entertained by a class of Her Majesty's subjects in regard to the status of their wives and children, I am yet unable to see any necessity for a comprehensive enactment such as is contained in the Bill. Section 9 renders it competent to any person to contract a valid marriage under the Bill, provided that he signs a declaration that he is neither a Hindú nor a Muhammadan, nor a Pársi, nor a Christian, &c., and it is apprehended (and I think not without reason) that this negative declaration is likely to prove very mischievous in practice. Among the educated youth of this country, there are several who have, at least for a time, no settled religious convictions of their own, and who, in fact, are neither Hindús, nor Christians, nor Bráhmists, nor members of any recognized sect; consequently the Bill, instead of being simply a benefit to the Bráhmists, as it is intended to be by its framers, might occasionally hold out an encouragement to atheism and irreligion, and render it impossible for men, virtually without any religion for the time being, to return to Hindúism in the event of their religious convictions since undergoing a change, and make it a necessity to them to fraternize with the Bráhmists. It would therefore be more acceptable to the people at large, while it would in no way interfere with the object which the framers of the Bill have in view, if it were made expressly and exclusively applicable to the Progressive Bráhmists, and a clause were introduced rendering it competent to the Governor General to extend its provisions to any new sects which may come into existence and attain sufficient development in the natural course of things. By this amendment the legislature will not be placed in the false position of holding out encouragement to atheism and irreligion, while it will still be in its power to provide for the social exigencies of any class of persons who may renounce the Hindú, for some other definite religion.

"4. Lastly, the orthodox Hindús in this Presidency consider that the Bill in its present form aims a blow at Hindúism. It has been asserted that the Bill is intended for the exclusive benefit of the Bráhmists, and in the discussion of measures affecting them, the orthodox Hindús have no concern; this is a mistake. They have certainly no right to dictate whether and how the Progressive Bráhmists shall marry; but I submit that they have an unquestionable right to protest against facilities being unintentionally afforded for their children and grandchildren, whose religious opinions are liable to fluctuate and are not settled, being led to adopt the Bráhmist form of marriage, and thereby reduced to the position of outcasts and incapacitated for returning to Hindúism if they should since deem it necessary. It was mainly on this ground, I believe, that the Bill introduced by the Hon'ble H. S. Maine was opposed by the Hindú community in general, and, so far as this objection is concerned, the present Bill is certainly no improvement on the former. The orthodox Hindús do not desire to see the Bráhmists persecuted and laid under any disability in regard to their marriages; but what they do desire is, that they should not be made to forfeit the opportunity, which they now possess, of reclaiming back to Hindúism their children whose religious convictions fluctuate, at least for a time, after the completion of their English education. Under the present Bill, any young man fresh from school, with no religious convictions founded on any intelligent and critical inquiry, and disposed to be an Adi Bráhmist to-day, a Progressive Bráhmist to-morrow, and a Hindú the day after, may, at a moment of infatuation, contract a marriage under this Bill, and find it beyond his power, very

much to the sorrow of his parents, to return to Hindúism when his faith in the new form of religion, hastily adopted by him, is shaken. This state of things should be rendered impossible if the policy of neutrality were to be strictly adhered to."

These extracts shewed the opinions held by some of the leading Native gentlemen of the Madras Presidency.

The Muhammadans of Calcutta, in a petition lately presented to Government, said—

"That the leading members of the Muhammadan community of the town and suburbs of Calcutta, having become acquainted with the provisions of a Bill before your Hon'ble Council, 'to provide a form of marriage in certain cases,' and having observed portions of it to be calculated to interfere with the free exercise by them of certain rights which belong to them by their law, have met at the house aforesaid, and have resolved upon addressing this humble memorial to your Hon'ble Council.

"2. Your memorialists are afraid that the Bill will be misunderstood by the people of the country generally, and that it will be looked upon as indicating an intention on the part of the Government to interfere in their religion."

At a meeting of the Members of the British Indian Association, North-Western Provinces, held at Aligarh on the 24th February, a report of which Mr. INGLIS had noticed in a Native newspaper and had translated in order to circulate it among the Members of this Council, Rájá Jaikishen Dás, c. s. i., spoke as follows:—

"Gentlemen, you must have gleaned from the translation the object of the Bill; you must have considered those things which are not agreeable to the views, customs and habits of our nation. Gentlemen, I can even now predict the probable consequences resulting from the measure. I therefore think it proper to communicate to you, gentlemen, the thoughts which have struck me, and the amendments which to me appear just and necessary. So that, after an unanimity of opinion amongst us, we may represent to the Legislative Council our objections through a memorial."

The Rájá then proceeded to show in detail the manner in which the Bill, if passed in its present form, would affect Hindús and Muhammadans alike.

After him, Khája Muhammad Esuf said—

"Gentlemen, I entirely concur with Rájá Jaikishen Dás in the objections mentioned by him against the Marriage Bill. But when I consider its sections 15, 16 and 17, it appears to me that this Act is opposed to, and is at variance with, the doctrines of Islam.

"Now, I beg to say that our Government has promised not to pass any Act which would interfere with the religious tenets of the people. I believe I have satisfactorily shown, with reasons as mentioned above, that sections 15, 16 and 17 of the Marriage Bill are in direct opposition to the Muhammadan law of marriage, divorce and inheritance.

"I can never bring myself to believe that Government would sanction any measure which will grieve the loyal hearts of the people, and I am fully convinced that the Hon'ble Members of the Legislative Council would deal with justice by taking these points into their favourable consideration."

Then Lála Badri Parshád said—

"I have more than once gone through the whole of the Bill, but the more I considered its provisions, the further I became convinced of its evils. Neither can I see the utility nor the pressing necessity which would justify its becoming law.

"Under these circumstances, it would be inexpedient on the part of our just Government to pass an Act which will dishearten and bring shame upon the respectable families in India. I hope that the Hon'ble Members of the Viceregal Council would not, after mature consideration, be sorry to suspend the passing of an Act fraught with such evil consequences."

The meeting, after several other speeches, separated after passing a resolution that a petition against the Bill in its present form should be drawn up and sent to Government.

This morning the Council received a numerously signed petition from the inhabitants of Aligarh, from which he would read the following extract:—

"That your memorialists have read with great regret and disappointment the Bill that has lately been introduced into the Legislative Council to legalize marriages between persons not professing any religion. That, although the Bill appears to apply to a particular class not professing any religion, yet on your memorialists bestowing full consideration on the subject

and anticipating its ultimate effect on all the Indian communities, the Bill seems to them not confined to any particular sect, but as affecting all the Indian sects at large.

"That the effect of this Bill, as understood by your Excellency's memorialists, is that it will seriously affect alike their social position and national respectability as well as their religious rites, and will subvert those of their national customs which, owing to their religious and national feelings, they prize higher even than their lives.

"That your memorialists place full confidence in the good intentions and impartiality of their liberal Government, and hope that it will never interfere with their national customs and religious feelings. That your memorialists, therefore, do not urge that the enforcement of this Act is intended to interfere with their religion, but they most humbly beg to say, that a religious and social interference which the Government by no means intends must of necessity follow its enforcement. That the objections, therefore, which your memorialists have to the Bill, are merely based on the ground that it will necessarily cause a great and intolerable and unprecedented change in their social and religious condition.

"That your memorialists have no objection to the Bill when it applies to those of their community who may relinquish their religion of their own accord and marry under its provisions; but they object to it on the ground that, even with no change of religion, it will affect most of their established rites, whether religious or national. That your memorialists, therefore, deem it expedient most humbly to point out to the Honourable Legislative Council the many evils to which they will be subjected in the end, and the religious and social difficulties they will be obliged to undergo in case of the Bill being made law.

"That your memorialists, foreseeing the evils and disadvantages detailed above, most humbly and respectfully request that Government, after taking into its favourable consideration their religious and social difficulties, will not give its assent to an Act which is evidently calculated to cause disheartening and disgrace to hundreds of millions of its subjects, and that, if the Government deem it absolutely necessary to enforce this Act on the ground that the class of people for whom it is intended are also the subjects of Government, and as such have an equal claim on it, then your memorialists beg to point out that they do not object to any law simply because it is law, but because of the evils it may give rise to. That, in short, your memorialists would not object even to the passing of this Bill if the liberal and impartial English Government would take such measures to prevent the evils anticipated from it as would inspire them with a hope of the preservation of their national and family respectability and religious freedom."

MR. INGLIS might go on reading extracts from many other petitions that had been presented against the Bill, some of them from the North-Western Provinces, numerous signed; but as they were all in effect the same as those from which he had quoted, and as they repeated, in even stronger terms, the objections urged against the Bill in the petitions from Madras and Calcutta, it was unnecessary to take up the time of the Council further, especially as they had been circulated and had been for some time past before the members. The petitions he had read, and which, as he had said before, were fair samples of the rest, afforded sufficient proof that the Bill was looked upon by the great majority of our Native fellow-subjects as certain to interfere most seriously with their religious and social institutions.

On the impolicy of passing a Bill which they were assured on such good authority would have this effect, he would say nothing; but he would ask—where was the necessity for such a measure? This Bill originated in an application made to Government by certain members of the Bráhma Samája, asking for a civil form of marriage. This he was quite ready to vote for; but why not confine the Bill to this? why do more than they were asked to do? why, in order to give the relief asked for by these members of the Bráhma Samája, run counter to the earnest prayers and entreaties of the majority of the Natives of this country, who assured them that the Bill as now drawn would, if it became law, affect very injuriously their social and religious customs?

He thought that the very general expression of opinion against the Bill in its present form should carry great weight. He thought that, when about to legislate on any matter which might in the slightest degree affect the religious or social institutions of the Natives of this country, the Council should proceed with the greatest caution, after carefully consulting their opinions. If there was one subject on which caution was more necessary than on any other, it was that with which this Bill dealt.

If the Bill were confined, as he proposed it should be, to certain members of the Bráhma Samája, the object originally intended would be gained, while the objections so strongly urged against it in its present form by Hindús and Muhammadans alike would be removed.

He felt very strongly in this matter. He saw clearly the light in which this Bill would be regarded by all classes throughout the country, Hindús and Muhammadans, and he looked upon the decision the Council were about to come to as of the very gravest importance.

The Hon'ble MR. COCKERELL said that it was barely two months since the further consideration of this Bill had been postponed, in order to give time to the mass of our Native fellow-subjects to become acquainted in some measure with its provisions, and to consider how the proposed legislation would affect the most important interests connected with their social life. He had seldom, within his experience in this Council, seen such a variety of opinions on any question before it collected in so short a time; he took that to be the strongest evidence of the extreme interest that was felt in the matter, and he thought that the papers received, and especially those which had been read out by his hon'ble friend, Mr. Inglis, indicated the very strong and wide-spread feeling of dissatisfaction and discontent which this measure had excited in the minds of the people. Evidence of this came to the Council through the most intelligent persons—persons well affected to our rule, and who were not likely to misrepresent the feelings of their countrymen for any interested object. The Bill before the Council had but little that was open to objection in appearance. It seemed to be a very reasonable measure. If the intentions with which its provisions had been framed could with certainty be carried out, it would at least be a very harmless measure. In the first place, the Bill was intended to apply only to those who did not profess any of the specified religions; those who had absolutely given up, or stood aloof from, the known religions of the country. But although it might be a doubtful point whether a Hindú who had renounced his religion could return to Hindúism—and he believed that the late Rájá Rádhákánt Deb, the leader of the orthodox Hindús in this part of country, made some strenuous endeavours to establish a rule by which a Hindú who had apostatized could return to his religion—with regard to Muhammadans, there was no doubt on this question; the propagators and promoters of the Muhammadan faith had always given the utmost facilities to converts to Muhammadanism and to those who had apostatized from that religion to return to the faith of their ancestors, and it was perfectly certain that anybody who came and made a profession, solely for the purpose of being married under this Bill, of not belonging to any specified religion, might, if he had previously been a Muhammadan, return immediately to Muhammadanism. Then, again, the Bill, by the first and second clauses of section two, taken together with the amendments which the hon'ble and learned member in charge of the Bill proposed to put forward by-and-by, seemed to afford the utmost protection against rash and incautious marriages. Indeed, it seemed that the Bill could only have the effect of providing facilities for marriage in a very limited number of cases; for it was laid down that each party must at the time be unmarried; that each party must have completed a certain age; and that, if they were of less age than twenty-one years, the consent of the parents must be obtained; and it might, he thought, be fairly assumed that there were very few Hindús or Muhammadans who, being over the age of twenty-one, remained unmarried. But when it was considered how the thing was likely to work, it was seen that there was no security against the parties who wished to marry understating their age. Nothing was so difficult as to determine the precise ages of Natives of this country, and a marriage obtained through a misrepresentation as to age would stand. It was very true that, under section 17 of the Bill, the marriage of anybody who contravened the conditions of the law as to age, amongst other things, might be dissolved. But he could not see how the case was to come before a Court. Under the

Indian Divorce Act, one of the parties to the marriage must sue, and he thought it very improbable that any Court would give a decree to a person seeking dissolution of a marriage which he had contracted fraudulently; in short, to allow him to escape from the marriage, and to profit—assuming that he wished to be freed from the marriage—by his own fraud. He (MR. COCKERELL) argued therefore that this proposed legislation, harmless and unobjectionable as it was in appearance, measured by the intentions with which it was framed, was extremely likely to lead to such practical results as justified the grave apprehension with which it had been regarded in so many quarters; and, for his part, MR. COCKERELL thought it an unwise measure to press this particular form of relief of a comparatively small number of persons, against the very strong and general dissatisfaction manifested by people of all creeds and every degree in the social scale from so many parts of this empire.

Whilst he (MR. COCKERELL) had been led by these considerations to change his opinion in regard to the Bill propounded by the hon'ble and learned mover (Mr. Stephen), and to share fully the objections taken by his hon'ble friend (Mr. Inglis) who had brought the amendment before the Council, he yet felt considerable doubt as to the advisability of the course proposed in that amendment. He was rather disposed to sympathize with the objection taken by the so-called orthodox Bráhmós, who virtually complained of the proposed civil form of marriage, for which they felt no necessity, being so directly connected with the designation which they had adopted, in favour of a section who, though originally united with them, had in fact gone out from their body and assumed a more progressive attitude. He could not but think that there was justice in the demand that a measure for the relief of this section should, by a more appropriate appellation, mark its distinctive object. Still he would prefer the amendment to the Bill, and intended consequently to vote for the former.

The Hon'ble MR. STEWART said :—"MY LORD, I feel deeply the importance of the subject now before the Council.

"When, in January last, I voted for the postponement of the discussion on this Bill, it was because I thought that to have passed it then would have been to have passed it in too great haste; without affording the Council an opportunity of satisfying itself, or the public the means of sufficiently expressing itself, regarding the form and details of the measure. Since then, I have given the subject much consideration; but I confess that I cannot support the amendment of my hon'ble friend.

"It is clear, I think, that every person has a right to expect that he shall be enabled to make a good and valid marriage; a marriage in respect to the validity of which there shall exist no shadow of reasonable doubt. According to the law as it at present stands, and as interpreted by those best qualified to interpret it, it seems at least doubtful whether certain persons and classes of persons can at present contract such marriages; and, this being so, it is, I think, the duty of this Council to intervene, and, by such legislation as may be required, to provide an undoubted form of marriage for those for whom such is not already provided.

"It has been objected to this Bill that it will tend to encourage an irreligious life, by removing a serious disability under which those at present labour who may be inclined to adopt such a way of life—a consequence to be deplored—but even if such consequence shall arise, it will not be just, I think, to hold those who support this Bill responsible for it; for it does not follow that, because we declare that, when a man shall have assumed a certain position, we shall thereupon confer on him certain civil rights to which he will then be entitled, we therefore desire that he shall assume such a position; and, at all events, it is surely better, and more to the interest both of public and of private morality, that we should enable a man to declare what he is, and honestly to act on his convictions, than that we should offer him a premium to remain silent and to profess that he is that which he is not.

"Another important consideration in connection with this Bill is that, in the opinion of many persons well qualified to judge, it will be regarded by certain classes of the Natives as an attempt to interfere with their religion. My Lord, this is a very weighty consideration, and I think that we should avoid adopting any course which is capable of even such a colour, where there is no fair and reasonable obligation upon us to the contrary. But there are cases, I think, in which it is our duty to face the risk of misrepresentation; if misrepresentation shall unhappily arise to live it down; and inasmuch as I think it is in itself a right and proper thing that we should provide a valid form of marriage for all persons within our borders for whom such is not already provided; inasmuch as I understand that there are persons amongst us, besides the Bráhmós for whose relief this Bill is primarily intended, who labour under the very disability from which we propose to relieve that body; inasmuch as we are innocent of even the faintest shadow of a wish to interfere in any way with the perfect religious freedom of our Native fellow-subjects; and inasmuch as they have had, have now, and will have, the amplest opportunity of satisfying themselves that this is the fact, by the whole course of our government and conduct, I cannot say that it is wrong to face the question boldly, and to dispose of it broadly, and with what we may hope shall prove some reasonable degree of finality.

"It is a source of extreme regret to me that, in a matter of this kind, I should differ from some of my hon'ble friends, who, by reason of longer residence in the country and more intimate acquaintance with its people than I can lay claim to, possess a decided advantage over myself; but, holding the views I do, I must support the Bill."

The Hon'ble MR. BULLEN SMITH said:—"MY LORD, It is with considerable diffidence that I venture to offer any opinion upon the Bill now before the Council, but the subject is one of such importance that I hardly like to give a mere silent vote in favour of the amendment just proposed by the hon'ble member opposite. When this Bill was last brought forward, I voted for its postponement on the broad ground that it was altogether wrong to pass a measure of this kind, treating of the most intimate relations of life, before the Gazette containing it had almost had time to reach the distant corners of the Empire. The delay was much objected to by some hon'ble members, but I consider that the number of Native opinions since received conclusively show that postponement was both reasonable and called for; and that, in proposing it, my hon'ble friend, Mr. Inglis, saved the Council from legislating with undue haste upon this matter. Since that time I have thought much as to what course I should take this day, the result being that I am led to oppose the passing of the Bill in its present form, on the ground that it is not necessary, and very inexpedient, to pass a general measure of this kind at the present time. In support of this view of non-expediency, I will trouble the Council with very few words, as I have no special experience which would add weight to what is contained in the various papers we have received, and to what has been, and will be, urged by hon'ble members opposite. I would, however, quote to the Council a remark made by a gentleman of marked ability, who lately co-operated with your Lordship in the legislature of the Southern Presidency. I allude to Mr. Norton, whose experience of India is long, and his interest in the people great. In replying to one of the farewell addresses made to him when quitting Madras, Mr. Norton said that he considered one of our chief dangers ahead was precipitancy—a remark which struck me much at the time, and the force of which it seems impossible not to admit. We are legislating fast and much; we are taxing heavily and searchingly; we are introducing new institutions and new systems, and are in many ways troubling the people, no doubt with their intended good in view. The result is, however, that those who ought to know best tell us that there is abroad a feeling of inquietude and unrest; a feeling of bewilderment at what is doing, and anxiety as to what is to come next. Assuming this to be true, it is surely a state of

things to be deprecated; a position in which unnecessary legislation becomes more than ever inexpedient, and yet my hon'ble friends opposite give it as their opinion, founded upon their long experience in different parts of the country, that this Bill is eminently calculated to increase the feeling to which I have alluded. To justify me in going counter to their opinions in a matter of this kind, I would require a much stronger case of necessity for making this measure general than has been presented; and therefore, while entirely agreeing with the abstract principle on which the Bill is drawn, I shall support the amendment. On the ground of expediency, I should, for the present, confine relief to those who ask for it."

The Hon'ble MR. CHAPMAN said:—"MY LORD, I intend to support this amendment.

"I think I shall be able to show that this measure, which pre-eminently required to be dealt with after the most mature deliberation and on the most certain basis, was introduced into the Council on hasty and insufficient grounds; and that the Bill has, subsequent to its introduction, been subjected, from time to time, to the most sudden, fitful, and radical changes at the hands of the hon'ble member in charge of it. I shall try to convince the Council of the necessity for now proceeding with the utmost caution; of the necessity, in other words, of limiting the operation of the Bill in the manner contemplated by the amendment.

"My Lord, I have said the Bill was introduced on hasty and ill-considered grounds, and I shall endeavour to prove this fact. At the request of certain members of the small but influential sect, called the Bráhma Samája, the Government, in 1868, undertook to pass a Marriage Law for their benefit. It was, I have all along felt, a great mistake ever giving this pledge, the evidence as to the necessity for relief being, to my mind, wholly insufficient. The application was based, not on a solemn judicial decision, but on the opinion of the late Advocate General, Mr. Cowie, given on an *ex parte* statement of facts. And it is very remarkable that the case which was submitted for opinion has never yet seen the light. Further, it will be in the recollection of the Council that the Hon'ble Mr. Stephen, in the lengthy and learned speech he addressed to us a short time ago, showed that, in his opinion, Mr. Cowie's law was all wrong; and that, in point of fact, there was no reason whatever to entertain any doubt as to the validity of these Bráhmo marriages. My learned friend seemed to me to prove too much, and to show conclusively that there really was no cause for legislative interference. For my own part, if I felt myself free to follow the bent of my own judgment in this matter, I should vote for the absolute rejection of the Bill. But the Government, whether wisely or unwisely, stand pledged to pass a law for the relief of the Bráhmos, and I am sure neither I nor the members who take my view of the case wish to offer the slightest opposition to the fulfilment of this pledge. All we ask is that the original object may be adhered to.

"To return to the history of the Bill. It was first introduced by Sir Henry Maine in 1868, and was entitled a 'Bill to legalize marriages between certain Natives of India not professing the Christian Religion.' It was, in fact, a Civil Marriage Bill for all sects and denominations other than Christians. Nothing could theoretically be more perfect; it was based on the most beautiful principles of complete religious freedom and toleration, and, on paper, it looked quite perfect. It commended itself to the approval of the Government of the day, and I dare say, during the course of this debate, we shall be told that we may safely pass the present and more restricted Bill, when the original and wider one met with the approval of an experienced Statesman like Lord Lawrence. I can only reply that this fact shows how much more cautious we ought to be when we find a man like Lord Lawrence was unconsciously induced to acquiesce in what I suppose every one will now admit to have been a dangerous and erroneous course of action. No sooner was Sir Henry Maine's Bill submitted to the impartial judgment of the outside public than it met with

almost universal condemnation. It was then seen that it was really of a very aggressive character, and that it would enable men to play fast and loose—to retain all the social and other advantages of the religious communities to which they belonged, while disregarding the obligations imposed upon them by those religions. The orthodox sections of the community naturally objected to the license that would thus be given.

“Matters were in this state when my hon’ble friend, Mr. Stephen, took command of the Legislative Department, and he proceeded to adopt the recommendations of the several authorities who had been consulted, and framed a Bill for the relief of the Bráhmós. It was entitled a ‘Bill to legalize marriages between members of the Bráhma Samája.’

“In fact, he adopted almost precisely the same view that we now urge him to fall back upon. Well, my Lord, we assembled in this room not many months ago for the purpose of actually passing this Bill, when my hon’ble friend announced that, in consequence of a communication he had received from the Adi-Bráhmós, he had made up his mind not to proceed with the measure. The Adis represented that, though they were Bráhmós, they never entertained any doubt as to the validity of their marriages; that the Bill might do them a serious injury by creating doubts which had never previously existed; and that all they wanted was to be left alone. I sincerely wish their request had been attended to.

“The next we heard of the matter was when my hon’ble friend introduced the present Bill three months ago, and wished to pass it into law three weeks afterwards. The Council will remember how impatient my hon’ble friend was of any delay, and how anxious he was to pass the Bill then and there. Considering the important amendments he himself now proposes to make, I think he must admit that the delay asked for was not unnecessary.

“Well, my Lord, I have now completed my sketch of the Bill up to the present moment. I have shown how, in my opinion, the Government hastily and unnecessarily committed themselves to move at all in this matter on a mere *ex parte* statement of the case, and on grounds which my hon’ble friend himself believes to be legally erroneous; how the original Bill, theoretically perfect as it unquestionably was, could not stand the test of common-sense criticism; how my hon’ble friend within the last few months intended to adopt the very course which we now advocate; how he hastily abandoned it; how he strenuously objected to the third Bill being delayed for consideration, and how he has himself accepted several important suggestions which have been made in consequence of that adjournment. My Lord, if these facts convey any lesson at all, surely it is the somewhat humiliating one, that we cannot be too distrustful of our own judgment when dealing with matters of this kind.

“I will now proceed to notice the Bill under consideration. We shall be doubtless told, in the first place, that we who object have been the authors of whatever dissatisfaction has been evoked, and that the vast bodies of the people need be under no apprehension whatever, as it does not apply to Hindus, Muhammadans or others who profess the principal recognized religions of this country. My Lord, we, who are sitting round this table, are thoroughly satisfied that the Bill is in itself as innocuous as any measure of the kind can be, and thoroughly sound in principle. But I need not remind hon’ble members that our civilization and education have hardly made any impression at all upon the masses, and that the millions are very much in the same state of ignorance, credulity, and superstition as they were fifty years ago. We solemnly pass laws, of the policy and provisions of which they know nothing and care less. I say, then, that it is hopeless to expect they will ever know of the care that has been taken to render this Bill harmless. All they will be told, and told, too, perhaps, by designing and disaffected people, is that the Government has passed a general marriage law

by which any one can marry any one he chooses. I do maintain that there is a very broad distinction between a law affecting one defined sect, and a general law for all who may choose to forswear the religion of their forefathers; and that, if you confine the application of the Bill to Bráhmós, the mass of the people, who have never heard of a Bráhmó, will attach as little importance to it as they would to a Bill to legalize the marriage of Hottentots. Mr. Justice Newton, late of the Bombay High Court, when reporting on the first Bill, said the aversion to it seemed to him 'to arise chiefly from an undefined apprehension of troubles in connection with caste and family associations.' My Lord, it is precisely because I believe a general Bill of this kind will give rise to these undefined, perhaps groundless—but not the less dangerous because undefined and groundless—apprehensions that I object to it.

"We shall next be told that the Bráhmó sect is as yet in such an inchoate state, and comprises so many members who hold different tenets, that it is impossible to define who is, or who is not, a member of it. My answer to this is that the same objections would apply to a Christian Marriage Bill; and that, as a matter of fact, the Bráhmós comprise united bodies, who have fixed places of public worship and established forms of prayer, and who are quite capable of taking care of themselves.

"Next, we shall be told that the Adhi and other non-progressive sections of the Bráhmó community will object to the Bill as they did before. To this, I would reply that there is this very material difference between the former Bill and the amendment now proposed; the former was applicable to Bráhmós generally, while this will be restricted to certain members of the Bráhmós; in other words, only to such as choose to avail themselves of its provisions.

"Lastly, we shall be told that the effect of western ideas and thought has been to make a good number of the Natives of this country absolute infidels, and that it will be very cruel if, having reduced them—or, perhaps, I should rather say elevated them—to this high intellectual state of mind, we do not provide them with a secular form of marriage. I admit the difficulty; but I should say to these gentlemen, 'I am very sorry for you; but since your great minds will not accept any form of recognized religious belief, I must ask you to marry yourselves according to what you consider the superstitious customs of your fathers. We may require you to do a violence to your feelings in obliging you to take part in ceremonies which you dislike and consider idle and foolish; but, on the whole, we prefer subjecting you to this violence, rather than run the risk of disquieting, for your sakes, the minds and feelings of the great mass of the people.' Then, as different other recognized sects arise—as arise they probably will—I would deal with them, from time to time, as we now propose to do with the Bráhmós.

"My Lord, I feel persuaded that we cannot be too conservative when legislating on a subject of this kind, and too careful to guard against our self-sufficiency leading us into the snare of believing that, because we ourselves are satisfied that a measure is theoretically right and abstractedly just, therefore we are bound to force it on the people of this country who are alien to us in thought, race and feelings. My own belief is that we really are doing a substantial injury in many cases when legislating at all on these subjects. There are many young men who are now devotedly attached to their families, and to their family ties, who have entered on a kind of tacit compromise with their most orthodox relatives, by which both sides show as much affectionate tolerance towards each other as possible. Why, by your meddlesome legislation, drive them to declare an open breach?

"I will conclude by commending to the earnest attention of your Lordship and the Council the advice given by the present Lieutenant-Governor of the North-Western Provinces, Sir W. Muir, than whom I suppose no one has a more intimate knowledge of, and warmer sympathies with, the feelings of the Natives of this country. He said, when writing on the first Marriage Bill, that

'legislation should, in all such matters, follow, not anticipate, any great changes of social sentiment or religious feelings.' In other words, he considered that legislation should be based, not on abstract principles, but on the proved exigencies of the case.

"My Lord, my contention is that the exigency has not been shown."

The Hon'ble MR. ROBINSON said :—"MY LORD, after much anxious thought I am constrained to support the amendment proposed by my hon'ble colleague from the North-Western Provinces.

"This Bill, modified in the degree now suggested by his motion, will still convey full relief where it is alleged, rightly or wrongly, to be wanted. The change will comfort those who find in the more general measure reasonable cause for anxiety about their home and social life, and other institutions which they hold dear; and it will avoid even the appearance of rash, purblind and meddlesome action on the part of the legislature in respect to matters of a purely domestic, social and religious nature.

"We propose to legislate for the petitioners before this Council—and, if necessary, other uneasy dissenters may be included—but to leave alone their countrymen through the length and breadth of the land for the present.

"I would observe, *in limine*, that I think we are much indebted to the hon'ble and learned member in charge of the Bill for bringing this matter to a broad issue and taking a distinct decision upon it. It is a very important one. And I am confident that your Lordship and this Council will attribute to its true motive, and welcome, a firm expression of opinion from those who, like myself, now venture to tender advice which is at variance with his. For I am sure that one ground for confidence in the deliberations of this legislature lies in the assurance that in it are represented very varied Indian experiences and sympathies, and a wide divergence of view and opinion, which will be honestly stated as occasion arises.

"I am not afraid of full and earnest canvass of a matter of this kind. I think that the Government of India has done very wisely and considerately in inviting, over and over again, the fullest expression of Native feeling and of official opinion on a matter which may seriously affect the Native institutions of the country and popular good-will, and is at all events a new step in a legislative direction, which requires much forethought and anxious deliberation. I think, in general, there is scarcely a single matter affecting the social or economic government of this country—least of all one which touches, as this does, its family and religious life—which may not be respectfully and with great advantage and assurance submitted to popular Native judgment; for I am sure that, in most matters, we can neither act justly nor wisely without their advice, nor without careful study of their ways and minds. Both we and our Native fellow-subjects derive great benefit from open honest canvass of every matter that can arise between us. But when we have obtained such honest expression of their opinions, we ought not to set them aside, save for very urgent and cogent reasons. Now, I am satisfied that Native opinion is absolutely against the learned member's proposal.

"In coming to the discussion of a purely social and religious question like that before us, I feel that one is swayed by very conflicting feelings. On the one hand, the most experienced among us must, I think, feel conscious how ignorant he is of the religious and domestic feelings and home-life of the country—must feel how feeble is his sympathy with what we are apt (very erroneously, I think) to view as popular weakness and intolerance, and how little he is fitted to form a kindly and considerate judgment on matters which to our minds seem easy of solution, but which may still implicate the very heartstrings of Native social and family life. On the other hand, how strong a hold on us have those abstract principles and theories of English life, which the hon'ble and learned member propounds from time to time with such force and eloquence; predispositions which are perhaps strengthened by the knowledge of what has taken

place in European countries under somewhat analogous circumstances. Some of us, no doubt, think that they foresee a pending necessity of sooner or later passing a Civil Marriage Law for all India, without reference to race, creed or social distinction. And we are apt to think, if this be so, why not have such a law now, or something like it? Yet the conclusion may be thoroughly out of place, very untimely and unjust. I think that this is the position of the matter now before us.

"No serious exception can be taken to the abstract principle of any one of the Marriage Bills which have been before this Council; but from a practical point of view, both Sir Henry Maine's Bill and the learned Member's must, I think, be condemned as ill-timed, needless and hazardous.

"The question of civil marriage for all India was broadly and inconsiderately raised in the first, which was happily abandoned. I think that it is in a great measure revived, in a covered and unintentional manner, by the Bill now before us; for public opinion is, I think, unanimous that no real value whatever attaches to the declaration by which the hon'ble and learned mover of this Bill thinks he gives to it a distinctive and protective character.

"The declaration is, I think, futile, evasive, and derogatory; and it robs the measure of any usefulness where, possibly, it might have been productive of good, *ex. gr.*, amongst the races of Malabar. I think, therefore, that the Bill, as it stands, is open to all the grave practical objections to which Sir Henry Maine's was obnoxious, with, perhaps, this additional bootless blot of its own. I know of no reason—none has been suggested—why any person should not come up and make the hon'ble Member's declaration—with any mental reservations he may conceive—and be as much what he was before as if he had never made it. This being the case, the Bill will not do.

"I refuse to place this matter in any way whatever alongside of the legislation—having general application—of 1850. Justice required that a man should not be robbed of his property because he exercised his natural right to freedom of conscience, and general legislation was called for. Every woman has a natural right to be a wife and mother, and therefore general legislation for the permissive re-marriage of widows is sound. But the one before us is quite another and special matter.

"I am willing to concede that every couple has a claim to be married in the absence of even time-honoured national rites to which they have a conscientious dislike, fanciful or otherwise; and therefore I think that the petitioners before the legislature have a personal or sectarian right to the relief they seek. But the time has not yet come when India really requires an Act to enable every one to be his own Church, wherein to set up his own hymeneal altar—regardless alike of national feeling and social order. And I think that general legislation, embodying in the main this principle, is likely as yet to create far more disorder in a country like this, than any good it can do in comforting the doubts of a few individual sects which can easily be legislated for as need arises. I also think that the legislature will err very seriously if they allow the prayer of a somewhat shifty and immature body of sectaries to influence at this time the general legislation of the country; it will err very seriously if it be drawn into the temptation to thrust upon the wide nationalities of India a general and untimely measure, which is neither needed nor asked for at the present time.

"I earnestly trust that this Council will see their way to deal with this matter for the present on the narrower basis now proposed; for I think that all the facts and circumstances, all the information before the Council, coupled with those indications of popular feeling on this matter that have been testified to, justify no other mode of dealing with it.

"I have very carefully examined the whole of the discussions which have taken place on the different measures which have been proposed. Fairness to the country, and to those who are interested in, and have advised on, this

matter, requires me to treat the whole as one discussion, and to draw conclusions as to the public estimate of such legislation from the tone of the whole collection of opinions before us. Thus viewed, I am convinced that the verdict is absolutely condemnatory of the Bill before the Council, and that we should accept that verdict without hesitation, and reject the Bill in its present form. It were impossible here to analyse all the opinions contained in the collection under my hand; but my own belief is, that the hon'ble and learned Member would scarcely register *one* Native vote outside the bodies which we are willing to relieve. I feel satisfied that Sir W. Muir, the Government of Bombay, and almost every other reliable and experienced adviser would recommend him not to force on the general measure.

"The discussions have, I think, fulfilled very useful purposes. They have thrown much light on the subject of Native domestic usage and feeling in respect to their home and social life, and how the British Government may most wisely and acceptably treat these matters. They have served to illustrate the generous toleration which pervades the higher class of the Native mind in respect to the relief which ought, under special circumstances, to be given when any real need for it has been made out—a toleration which is naturally coupled with a properly prudent, homely conservatism in respect to social and family life in general, which we cannot but respect and cordially sympathise with. Among the Native papers will be found some which evince a Statesmanlike grasp of the whole subject, and of the duty of this legislature in relation to such matters in India.

"But perhaps the most important result of the discussions has been that they disclose how much just confidence the people of the country have in the liberty which they really enjoy under their own usages and customs, and how much room for the practical development of any useful movement is really present in the constitution of Native society and in the elastic condition of Native social law. And I most thankfully add that they disclose how little need or excuse exists for us to adopt any course of pragmatism in relation to social politics and family life in India—such as that now proposed. The hon'ble and learned Member has fully appreciated this condition, and has nobly vindicated it against narrow-minded doubts, in a manner which must have conveyed to many an anxious Native heart in this country the assurance and comfort of knowing that the equity and good conscience which guide the givers as well as the administrators of the law, are in absolute consonance with that spirit of liberty which exists in their own institutions. But I think the people have a right to ask the learned Member to be consistent in leaving them alone in their contentment and faith, while they concede to him the privilege of relieving the hesitating persons who are asking for relief from 'law-opinion' created doubts—all erroneous though that opinion be.

"The general deduction to be drawn from the whole discussion is, as I have stated, that there is neither any popular desire nor need for general legislation on this matter; and that no public purpose can safely be served by going beyond the brief which the petitioners before the Council have placed in our hands. And I venture to add that only evil will result from crude and blind action under our present state of uncertainty as to results. We should, I think, absolutely refuse to incur the risk of running counter to so much good, safe, and earnest advice.

"To sum up, I support the hon'ble Member's amendment, because, if the state of uncertainty (reasonable or unreasonable) in which some individuals of a highly respectable class of dissenters are represented to be, be true, the Bill, as altered, will still give them personally, or as a sect, all the relief they require, and will concede all that is actually asked for, without needlessly disturbing the mind of Native society in general.

"Now, I think that justice to the promoters of this legislation requires me to notice here *their* forbearance and consideration of their countrymen's feelings—

a consideration which we shall do well to follow. The Progressive Bráhmós have not, so far as I am aware, asked us to thrust a law which they accept as sufficient for themselves on their anxious and more conservative countrymen. They have not devised a measure which may possibly embroil the legislature with people who have not as yet risen to their level of intelligence and free-thinking. They have asked for relief for themselves only. The sweeping characteristics, the anticipatory generalisations of the Bill before the Council, do not, so far as the papers show, emanate from them.

"I support the amendment, because it will fully redeem the pledge given by the Government of India to the small section of the community who are supposed to be suffering from undue disabilities. For I read the earnest announcement of the late noble President to mean no more than a firm purpose to give comfort where he thought doubts exist—not to mean an unwillingness on his part to listen to conservative anxieties which may reasonably be felt by the vast populations over whom he ruled with such tender consideration.

"I support the amendment, because I think that tentative legislation in this direction may prove useful. I think that, before many years, the progress of society may possibly necessitate general legislation on this and other matters of a social character; and the limited legislation which we now propose will give us an opportunity of trying, in an experimental manner and under circumstances of special advantage, the practical effects and possible consequences of such legislation. We have, in the sect for whom we propose to legislate, and in the others to whom it may be right to extend the privilege, a highly intellectual and educated body of Natives, who are jealous of the honour of the movement which they are leading, and are living under immediate observation and amidst a watchful public opinion, and they will be vigilant against those abuses which will certainly arise amongst the uneducated and rural populations under the obtrusive general Bill now before the Council. These sects will work out a problem for us which we can scarcely understand ourselves. They will prepare their countrymen for the reception of wider liberty—if such it be—and will alike teach us to avoid pitfalls and them to disabuse their minds of anxieties which are natural now. I would confide this experiment to the care of these sects without fear that Bráhmoism will be converted into a temporary Cave of Adullam for discontented and distressed amorous swains from all races and creeds.

"On these grounds I would urge the Legislative Council to grant relief—unnecessary though it seem to me—without delay to any members of the Bráhmo sect who desire to take advantage of a form of civil marriage. And if any other individual sect is seeking similar relief, I would direct the Select Committee on the Bill (if it be recommitted for alteration) to take notice of their desire.

"I withhold my support from the Bill as it is at present drawn, because I am satisfied that no necessity, real or fancied—certainly no popular call for such a measure—can, in any way whatever, be made out at the present moment; indeed, the almost unanimous consensus of opinion, Native and official, affirms the view held by the learned mover of this Bill, that the fears created by Mr. Cowie's opinion are baseless, and that no general law is at present needed. And because I am satisfied that, on the whole, the people cordially desire to be left to the operation of their all-sufficient customary law and usage. We should not at present pass any measure which may engender distrust amongst the people about the very ground-work of their social life.

"I withhold my support from the Bill as now drawn, because I see reason to fear that legislation on such a matter will gradually and prematurely, though unintentionally, tend to restrain and weaken the abundant liberty which the law and usages of this country now afford, and to raise doubts where none now exist in respect to customary marriages. If this be a possible consequence of legislation in this matter, such an enactment will do infinite harm. On this point I would refer to the opinion (amongst others) of the learned Advocate General

of Madras on Sir Henry Maine's Bill. I need scarcely remind your Lordship that Mr. Norton is a Statesman of large and varied Indian experience and sympathy.

"The hon'ble and learned Member cannot, I think, assure us on these prospective possibilities, although his section 18 is so constructed as to avoid, so far as he can foresee, this danger. I am a tyro at legislation; but I freely confess to a deep distrust of law-puzzles, which first enact broadly almost any thing, and then proceed to except almost every thing from their own operation. The mere fact that this is more or less the character of the Bill before the Council, shows how slippery and dark is the path on which it embarks us and forbids our following it.

"I withhold my support from the Bill, because, while admitting that there does exist an unsettled and immature movement amongst some limited sects of Native society, I am satisfied that that movement is as yet by no means popular, wide-felt or acceptable to the country at large; and I do not think that the legislature can wisely legislate in advance of a well-developed need and assured disposition for change—legislate, too, in a manner which the state of the public mind in general, and towards these sects in particular, in no way justifies. For a statement of intelligent Native feeling on this point, I refer with assurance to the letter of the late able Minister of His Highness the Rájá of Travancore, Sir Madhava Ráo, K.C.S.I., on Sir Henry Maine's Bill, and to the views of other Native gentlemen which will be found in profusion in the collection under my hand. I think the legislature should await a real and general expression of a desire for change in a matter of this kind. There is certainly none before the Council.

"I cannot support this Bill, because I cannot deny that those instinctive apprehensions are well-founded, which are generally expressed as to the probable effect of such legislation as a direct and powerful menace against many dearly-cherished religious and social usages and distinctions of Native life; and because I believe that they are almost certain of speedy realisation. I think that it is highly probable that the earliest use that will be made of this Act, should it pass with general application, will be to set aside the caste adjustments of Native society—with very irritating consequences in Native family and social life.

"I know nothing of the views or objects of the promoters of this Bill on these subjects, but I have read anonymous allusions to this Bill in connection with expressions about 'nationality,' 'fraternity' and 'equality,' and about dissolution of caste and the like, such as might emanate from a Socialist school in Europe. Now, I do not wish to express any opinion on these matters, but I cannot—while conceding a full meed of relief to all advanced thinkers, by the Bill as we propose to amend it—find it in my heart deliberately to advise this legislature to throw broadcast over the land an enactment which may needlessly stimulate untimely action in this direction, and cause endless heart-burnings in many a Native family. The time may come when legislative action of this kind will do good—or at least little harm; but I am satisfied that, as regards the up-country and rural populations of India, this exigency has not yet arisen, and I would be guided by real wants, not by theoretic proprieties.

"I cannot altogether leave out of sight that the Natives of the country may justly think that legislation of this kind adds a new and sensual incentive to the dissent and schism which are already exciting their minds.

"I cannot support the Bill as drawn, because I think that it tends to convert that narrow religious difference about rites and ceremonies which has arisen between a fragmentary sect (residing about the seats of learning and English influence) on the one side, and the conservative masses of our vast population on the other, into a possible cause of general public difficulty and complication, or of needless and baseless misunderstanding and misrepresentation in respect to our public policy. It makes a State question of a mere religious difference.

"Now, I must not be misunderstood here. I should be doing the deepest injustice to the India of the South, which I know and like so well, did I assert that the popular condemnation of an individual measure of the Government of India means disaffection or disloyalty. Nothing is further from my meaning; no consequence less likely to arise under trials even of a far severer character. But I think that an intelligent Native public may have just occasion to challenge the wisdom of the legislature, should it convert what seems to me a mere sectarian question—which can be so easily disposed of, as we propose, to the satisfaction of all parties and on its individual merits—into a public matter with more or less bearing on the whole population. 'Why'—some have asked in effect, and very pertinently—'are we all to be made anxious because some sectaries need relief?' I sympathise with them fully, and think that this needless and vexatious Bill must be abandoned as out of place and time.

"I am aware that one of the reasons for this thing is a 'drafting' difficulty. It is difficult to define the fragment or sub-class of the Bráhmó sect that wants relief; and we have been assured by the hon'ble and learned Member, that there are other wandering minds, with other dogmas and theories about marriage and the like, whom he wishes to include, but is equally at a loss to define. It is apprehended, too, that a definition which might, perhaps, include the sects or individuals intended to be relieved this year, would be left high and dry by the tide of change next year.

"Well, there can be no doubt that the hon'ble and learned Member has as yet a very bewildering, shifty and immature condition of things to deal with as a subject for legislation. But still I do not consider the confusion hopeless, or that it will baffle the Committee of revision.

"Be this, however, as it may, I am satisfied that the mere fact that things are in this chaotic state, distinctly, and as it appears to me conclusively, forbids our accepting such disorder as a fitting starting-point of general and nation-wide legislation on such a subject. We cannot allow a difficulty about defining some 20,000 petitioners to be a reason for thrusting unwelcome legislation on over five times as many millions.

"I sympathise with my learned colleague's difficulties; but I cannot give in my adhesion to the solution he proposes. It is, I believe, impolitic, premature and vain to attempt now to consolidate—I think we shall likewise stimulate—all possible Native dissent for all time to come under this general Dissenters' Act, which is to be applicable, with its many pitfalls and disagreeablenesses, to all Native society.

"It is true that our learned colleague dislikes the thought of what he calls a perfect jungle of Marriage Acts on the Statute-book. I am satisfied that he greatly exaggerates both the difficulty and demand for legislation of this kind. But were his utmost anticipations to be realised, I still think that an orderly collection of needful private or sectarian Marriage Acts in the Statute-book were, for some years to come, and in the present state of our ignorance of this subject and the shifty condition of Native mind and opinion, infinitely preferable to the imminent risk of wafting the malaria of ill-judged, blind and untimely legislation from this Council-room out over all Native society in this country.

"We have, as it appears to me, a fairly easy problem of moderate extent to deal with, and I would most earnestly recommend this Council to deal therewith, and with no more, for the present; and to leave the contented masses of India alone and unharassed by change.

"We are told that the Act will pass unheeded by the masses; that few will use it; that Government will not appoint Marriage Registrars, and so on. To this I would reply, if the thing be useless; if that which the Act will require is not to be done, why legislate? Why excite the well-disposed and intelligent people of the country for nothing or next to nothing? My advice is to give what is sought, and leave well alone.

"When this measure was last before the Council, I ventured to draw attention to the great disadvantages of having to discuss and vote on matters which have an exclusively social bearing on the people, both in Council and in Select Committee, in the persistent absence of the aid of Native advice and Native special knowledge and sound judgment.

"I must repeat that there is something very depressing about deliberating on a matter like this in a legislature from which Natives are not excluded by law, without that all-sufficient means of feeling the pulse of Native opinion and of judging of what is right and suitable for the country. I am satisfied, from the experience I have already had in this Council, that we can neither safely nor wisely legislate on such a matter in a condition of persistent isolation and separation from those who are most interested in the measures which are enacted here.

"The honour which has been done me in permitting me for a time to sit here, will shortly be a thing of the past. But I should be untrue to myself were I to leave this Council without affirming, with all the earnestness I can, that I am heartily satisfied that it would be far better, both as regards the present and the future, both for the lawgivers and for those for whom the laws are made, did we not thus practically learn to do without each other."

Major General the Hon'ble H. W. NORMAN confessed that he had not been much moved by the arguments adduced by his hon'ble friends against this Bill, nor did he share in their apprehensions, and he still thought the Bill a just and good Bill. The remonstrances which had lately been received appeared to him to have been to a great extent evoked by what had taken place in this Council, rather than a spontaneous genuine product of feeling on the part of any large numbers of our Native fellow-subjects. The Bill appeared to him to be framed in a spirit of entire toleration, and as it was calculated to remove a real grievance from a large and increasing class, he would oppose the amendment, which would restrict the operation of the Bill to only a portion of that class.

The Hon'ble SIR RICHARD TEMPLE said that it was not his intention to trouble the Council with any remarks on the general principles of the Bill. Those principles were very ably and strongly expounded by his hon'ble and learned friend, Mr. Stephen, on a recent occasion, and he believed that that exposition had not in any way been shaken by the vague generalities which the Council had heard that day from the hon'ble members on the left who had spoken against the Bill. His only object in addressing His Lordship and the Council was this: A great deal had just been said by his hon'ble friends, Mr. Inglis and Mr. Robinson, about the influence which Native feeling ought to have upon our legislation, and it had been alleged that this feeling was being pronounced against this Bill. He felt surprised at hearing these statements and could not allow them to pass unchallenged.

If he believed that Native opinion throughout the country, or even amongst a considerable section of the population, was really opposed to this measure, he should be in favour of the view which had been taken by his hon'ble friends, but he affirmed that there was not the slightest evidence of any such spontaneous opinion. The Council were not without the means of knowing what the opinions of the Natives were; there were the great Native Indian Associations in Bengal, in the North-Western Provinces, in Oudh, in the Panjáb, in Bombay, and (with all deference to His Lordship the President's greater knowledge) in Madras also. They had ample means of knowing, from memorials and petitions, and from the published proceedings of these Associations, what the feelings of the Natives were. Moreover, they had the advantage of the Native vernacular newspapers, published in several languages, from which extract translations were furnished weekly for the information of the Government and of this Council. Well now, with all these means, with the right of petition, both public and private, which was

fully understood and constantly exercised by the people of every province in India; with all these means of knowing what the opinion of the Natives was, he would ask the Council to consider what really had been adduced as to the nature of that opinion. Why, not one single extract from any Native newspaper had been produced; not one single line from any part of India. Was it credible that, had there been that feeling of dissatisfaction which his hon'ble friends had stated, it would not have found vent in the Native newspapers; that there would not have been many articles upon the subject week after week? Supposing, then, that such a feeling existed, would not his hon'ble friends, after all the research and attention they had given to the subject, have found out those articles? If all this agitation were really spreading, was it credible that they would not have produced quotations from these newspapers?

[The Hon'ble MR. CHAPMAN remarked that the Bill had not been translated into the vernacular languages].

The Hon'ble SIR RICHARD TEMPLE continued. Allowing that there may have been some defect in circulating formal translations, might he ask whether anybody supposed that the Natives of India were not well acquainted with everything that appeared in the English newspapers; whether the Native vernacular newspapers, which had constant allusions to everything that passed in the English newspapers, were not conversant with the objects and details of this Bill; and had not the English newspapers been full of the discussions in relation to this Bill? Further, with reference to the interlocutory observations of his hon'ble friend, he would ask whether there was not a large number of the Native papers printed in English, and in very excellent English too, sometimes even in eloquent English? He would challenge his hon'ble friends to produce almost any quotation—certainly any series of quotations—from any Native paper in India, whether in the English or in the vernacular language.

Then, again, what did the deliberations or addresses of public meetings in this country amount to? Some show of these had been paraded just now by his hon'ble friends, but what were the facts? There were no papers or petitions before the Council, either from Madras, Bombay, Allahabad, Lahore, Lucknow, Nágpúr, or any of the great centres of population in the country. At every one of these places the people conducted their proceedings in a public manner; but from not one of those great centres had there been any utterances of the feelings of the people in regard to the Bill. The utterances against the Bill had come only from Aligarh and Bareilly; from one Native gentleman at Morádabád, who seemed to have moved twice in this matter, because SIR RICHARD TEMPLE observed his name put forward in a letter from Bareilly.

[The Hon'ble MR. INGLIS observed that the Native gentleman who wrote from Bareilly, and the gentleman whose letter was dated Morádabád, were different persons; also that a meeting had been held at Morádabád, and a petition numerously signed had been sent up against the Bill from the residents of that place].

SIR RICHARD TEMPLE continued. He found, on looking again at the papers, that his hon'ble friend was right in saying that there was a petition from Morádabád signed by Sálig Rám and others.

There were, then, petitions from three places, but from only three places in all India. He did not wish in the slightest degree to disparage the value of the testimony of these respectable Native gentlemen of Bareilly, Morádabád, and Aligarh; but those were places in which his hon'ble friend, Mr. Inglis, had served with distinction in former years, where his opinion carried great weight, and where his name no doubt was a tower of strength in public estimation to any cause which he advocated. That, of course, was natural and proper. But SIR RICHARD TEMPLE would ask whether these objectors had made themselves heard before the months of January or February last, when his hon'ble friend's well-remembered speech in regard to

this Bill was made. His belief was that the objections on the part of these Native gentlemen had taken shape and form from the perusal of his hon'ble friend's criticisms. It was a case of *post hoc et propter hoc*.

The Bareilly memorial was adopted at a meeting of some fourteen Native gentlemen, out of whom twelve were persons who were either servants of the Government or Honorary Magistrates, or pleaders, or schoolmasters—just the men who would naturally follow the guidance of our hon'ble friend. There were but two independent Native gentlemen.

[The Hon'ble MR. INGLIS observed that the memorial was signed by over 500 persons].

SIR RICHARD TEMPLE resumed—But it appears from the official papers that the meeting really consisted of these fourteen persons, and that they sent their memorial about the city by a sort of "round-robin" process, and obtained signatures of persons known or unknown. Without doubt these gentlemen were leaders in the movement: if there were others induced to join, the real movers were these fourteen gentlemen.

At Aligarh there had been a meeting of some nineteen Native gentlemen, of more or less rank and position. But the president and spokesman was also a Government servant, a Deputy Collector; and that Deputy Collector in his opening speech pointedly alluded to, and based his speech on, the speech of his hon'ble friend, Mr. Inglis. SIR RICHARD TEMPLE did not say that in order to disparage their testimony; but he said that utterances of this sort must be discriminated and distinguished from the spontaneous opinion which arose from the unassisted movement of the people.

So much for the quantity of the agitation. He would for a few moments consider its quality. To show the sort of arguments by which these opinions were supported, he would read to the Council just one or two sentences in order that their calibre might be weighed. One Native gentleman remarked—

"Polygamy is not allowed by Hindú law, and if it is allowed by Muhammadans, it is a matter of choice. Why do not the Progressive Bráhmós make it a rule or religious tenet amongst themselves not to have more than one wife?"

Was not this a surprisingly incautious statement of the Hindú law as it now exists?

Another Native gentleman remarked—

"The term 'Hindú' does not here mean nationality, but community. Hence, it is evident that those who are guilty of practices by which a Hindú would lose his caste or be excommunicated, fall under the head of non-Hindús. If a Hindú makes a voyage across the sea, or takes food (rice, bread, &c.) at the houses of the low classes or *mlechás*, he is declared by the *sástras* to be an outcast. Thus, it follows that many might take shelter under the proposed Act. Native Civilians, Barristers and Doctors would never think of rejoining the Hindú community by troublesome and humiliating expiations, but gladly avail themselves of the provisions of this Act."

That opinion really meant that those Hindús who chose to cross the sea and to live in England for a time; Native gentlemen who ventured to be enterprising and to leave their country for Europe and study for the Bar, or to compete for the Civil Service, were to be placed under severe civil disabilities. That showed the sort of intolerant feeling which actuated these objectors.

Another Native gentleman distinctly said that he gave his opinion after perusal of the proceedings of this Council. He said, addressing our hon'ble friend, Mr. Inglis—

"I most respectfully beg to say that I feel highly gratified at being invited by you for an opinion of the 'Native Marriage Bill' proposed by the Hon'ble Mr. Stephen, and feel the more grateful because, had you not communicated the subject to me, it is probable I should have remained ignorant of it from its being merely published in English in the *India Gazette*."

Constituted as Native Society is, an opinion thus given may be useful in its way, but it is a very different thing from an original opinion.